

PROPOSED CHARTER

—OF THE—

CITY OF MARQUETTE,

STATE OF MICHIGAN.

PREAMBLE.

The electors of the City of Marquette, in the County of Marquette and State of Michigan, pursuant to the authority granted them by the constitution and general laws of said state, hereby revise the Charter of the City of Marquette to read as follows:

CHAPTER 1.

INCORPORATION.

Section 1. **Corporate Name.** The municipal corporation heretofore created and now known as the "City of Marquette," shall remain and continue a body corporate and politic under the name and title of the "City of Marquette", and under that name shall have perpetual succession and shall have power:

(A). **Powers Now Possessed.** To exercise and enjoy all the rights, immunities, benefits, privileges and franchises now possessed, enjoyed, owned, or held by it; and shall be subject to all the duties and obligations now pertaining to, or incumbent on, said city as a corporation not inconsistent with the provisions of this Charter.

(B). **Corporate Seal.** To make, have and use a corporate seal. The corporate seal now in use, and adopted by the city, shall be the seal of the corporation until the same is changed by act of the commission.

(C). **Power to Sue, Etc.** To sue and be sued in all actions and proceedings whatever, and take all necessary action to prosecute or defend the same.

(D). **To Receive Bequests, Etc.** To receive bequests, gifts, donations and devises of all kinds of property situated within or without the city, to be held in fee simple, or in trust for public, charitable, or other municipal purposes.

(E). **Powers.** To exercise and enjoy all such corporate powers as are hereinafter conferred by this Charter, together with such implied

and incidental powers as are possessed by municipal corporations in this state.

(F). **Control Property.** To exercise all municipal powers in the management and control of municipal property, and in the administration of the municipal government, whether such powers be expressly enumerated or not.

(G). **Prosperity, Good Government.** To do any and all acts, to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state.

Sec. 2. The territory embraced in and constituting said city shall be fractional Section one (1); fractional Section two (2); the southeast quarter (SE $\frac{1}{4}$) of Section eight (8); the southwest quarter (SW $\frac{1}{4}$), west half of southeast quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$) and southeast quarter of southeast quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section nine (9); the south half of the south half (S $\frac{1}{2}$ of S $\frac{1}{2}$) of Section ten (10); fractional Sections eleven (11), except west half of northwest quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$), thirteen (13) and fourteen (14); entire Section fifteen (15); the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section twenty-one (21); entire Section twenty-two (22); fractional Sections twenty-three (23), twenty-four (24) and twenty-six (26); entire Sections twenty-seven (27), thirty-four (34) and thirty-five (35) and fractional Section thirty-six (36), in Township forty-eight (48) North of Range twenty-five (25) West.

Sec. 3. **Harbor Limits.** The harbor of the City of Marquette is hereby defined and declared to be embraced within the following limits, viz: Commencing at a point on the shore of Lake Superior where the west boundary of said city strikes the shore; thence north one mile; thence east on a line to a point therein intersected by a line drawn north from the point where the south boundary of the city strikes the shore of Lake Superior; thence southerly on said line to said last mentioned point on said shore; thence northerly along the line of said shore, following the meandering thereof to the place of beginning; and any offense committed against the laws and ordinances of the City of Marquette, within said limits, shall be deemed and considered as having been committed within the limits of the City of Marquette.

CHAPTER 2.

WARDS, PRECINCTS AND VOTING DISTRICTS.

Section 1. **Ward.** All wards heretofore existing in said city are hereby abolished and said city shall hereafter consist of one ward.

Sec. 2. **Five Precincts.** The city is hereby divided into five precincts, the boundaries of which shall be as follows:

Precinct No. 1 shall embrace all that portion of the city lying south of the following line: beginning at a point on the shore of Lake Superior where the center line of Rock street produced easterly intersects

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said shore line and running thence westerly along said center line to the center line of Seventh street; thence northerly along the line of Seventh street to the east and west center line of Sections twenty-two and twenty-three; and thence westerly along the center line of said section to the western boundary of said city.

Precinct No. 2 shall embrace all that portion of the city lying between the last above boundary line and the center line of Washington street produced, easterly to the shore of Lake Superior and westerly to the western boundary of the city.

Precinct No. 3 shall embrace all that portion of the city lying north of the last mentioned boundary, east of the center line of Front street to the center line of Fair avenue and south of the following line: beginning at the center of the intersection of Front street and Fair avenue, running thence east on the center line of Fair avenue to the center of its intersection with Pine street; thence northerly on the center line of Pine street to the north line of Section fourteen; thence east on said section line to the shore of Lake Superior.

Precinct No. 4 shall embrace all that portion of the city lying north of the center line of Washington street, west of the center line of Front street and south of the following line: beginning at the center of the intersection of Front street and Hewitt avenue and running thence west on the center line of Hewitt avenue to the center of its intersection with Seventh street; thence north on the center line of Seventh street to the north line of Section twenty-three, and thence west on the north line of Sections twenty-three, twenty-two and twenty-one to the western boundary of the city.

Precinct No. 5 shall embrace all the remaining portion of the city.

Sec. 3. **Change of Boundaries.** The commission may from time to time change the boundaries of said precincts, but the number shall remain five until this Charter shall be amended.

Sec. 4. **Voting Precincts.** Until otherwise provided by ordinance, each precinct shall be a voting district. The commission may subdivide any precinct into two or more voting districts in its discretion. No such division shall be made within thirty days next preceding any election.

Sec. 5. **New Registration.** In case of any change of boundary of precinct or sub-division of precinct into voting districts there shall be a new registration of the electors of those precincts whose boundaries are thus changed, and when a precinct shall be divided into two or more voting districts, separate registration lists shall be prepared by the Board of Registration for each of said voting districts.

Sec. 6. **Voting Places.** The commission shall designate a place in each voting district for holding elections.

CHAPTER 3.

ELECTIVE OFFICERS.

Section 1. **Elective Officers.** The following officers of the corporation shall be elected at large by the qualified electors of the whole city,

voting in their respective precincts, viz: Mayor, four commissioners, five supervisors, two justices of the peace and two constables. The term of office of the mayor and of the commissioners, except those elected at the first election hereunder, shall be five years, and the term of office of constable shall be four years, all commencing on the first day of January succeeding their election. The term of office of supervisor shall be two years, commencing on the first Monday in April next succeeding his election, and the term of office of the justices of the peace shall be four years and shall commence on the fourth day of July next succeeding their election.

Sec. 2. Election of Mayor and Commissioners. At the first election hereunder there shall be elected one mayor for the term of four years and eleven months; one commissioner for three years and eleven months; one commissioner for two years and eleven months; one commissioner for one year and eleven months, and one commissioner for eleven months; and at every fifth annual election thereafter there shall be elected one mayor for full term and at each annual election thereafter, except when a mayor for full term shall be elected, there shall be elected one commissioner for full term.

Election of Supervisors, Justices and Constables. At the annual city election held in the year 1914 and biennially thereafter there shall be elected five supervisors, one justice of the peace and one constable.

The said officers shall serve until their successors are elected and have qualified, unless otherwise provided in this charter. The present incumbents of the offices of supervisors, justices of the peace and constables shall severally serve during the remainder of their respective terms of office.

Sec. 3. Supervisors Nominated by Precincts. One supervisor shall reside in, and be nominated by the qualified electors of each of the five precincts of said city.

Sec. 4. Vacancies. A vacancy shall exist in any office when the candidate elected thereto shall fail to qualify within ten days after receiving certificate of election, or when he dies, resigns, is removed from office, removes from the city, absents himself or fails to perform the duties thereof for ninety days continuously or is convicted of felony.

Sec. 5. Eligibility. No person shall be eligible to any elective office unless he shall then be an elector and shall have been a resident of said city for at least three years, and no person shall be eligible for mayor unless he shall have reached the age of thirty years.

Sec. 6. Compensation. The said mayor and commissioners shall receive out of the city treasury each the sum of three dollars for each and every meeting of the commission actually attended by them.

CHAPTER 4.

REGISTRATION OF ELECTORS.

Section 1. Registrar. At least thirty days before each annual city election the commission shall appoint an elector from each voting precinct, who shall be known as registrar, to take charge of and care for

the registration of electors in that precinct at all elections held during his term of office. He shall, at least fifteen days before the time designated for posting notices of registration, revise the registration list of his precinct for publication, striking therefrom the names of electors known by him to have died or removed from the precinct.

Term of Office. Such registrar shall hold his office for one year and until his successor has been duly appointed and has qualified. Vacancies may be filled at any time by the commission. The registrars shall be paid three dollars per day for each day actually engaged in their work.

Sec. 2. Board of Registration. The five registrars above described shall constitute the Board of Registration for the City of Marquette. The place of registration of the several election precincts shall be in the City Hall, and the Board of Registration shall be in session on the second Friday and Saturday preceding each election, and shall be in session from eight o'clock a. m. to eight o'clock p. m. of each day.

May Administer Oaths. Such registrars shall have power to administer oaths and perform all duties imposed under the general registration laws of the state relating to registration of electors.

Sec. 3. General Law to Govern. Except as otherwise provided in this Charter the general law shall govern as to all matters relating to the registration of electors.

Sec. 4. Notice of Registration. At least five days previous to the commencement of any session of the Board of Registration, the board, at the expense of the city, shall cause a notice thereof to be printed and published in one or more newspapers in such city, designating the time and place of holding the same, and shall also cause the same notice to be printed in hand bill form and posted up in at least ten conspicuous places in each voting district, which hand bill shall also contain a true copy of the list of names then appearing upon the registration list for that district.

Sec. 5. Electors. All inhabitants of said city having the qualifications of electors under the constitution of the State of Michigan, and having resided in the city for twenty days, and no others, shall be electors of said city. Every elector shall vote in the precinct where he shall reside. Change of residence from one precinct to another shall not disqualify a resident otherwise qualified from voting if registration be made as hereinafter provided. The residence of any elector not being a householder shall be deemed to be in the precinct in which is located his regular place of lodging.

Sec. 6. Re-Registration. A general re-registration of all the electors of said city shall be held at the session of the Board of Registration preceding the general election in the year 1916 and every fourth year thereafter.

Sec. 7. Registration Lists. Until changed as provided by statute, the registration and re-registration list, made just prior to the general election in the year 1912 in each of the several precincts, and the registration added thereto from time to time as herein provided, shall be

and constitute the registration list for the precincts in this Charter designated.

Precinct No. 1 shall have the registration list of Ward No. 1.

Precinct No. 2 shall have the registration list of Ward No. 2.

Precinct No. 3 shall have the registration list of Ward No. 3.

Precinct No. 4 shall have the registration list of Ward No. 4.

Precinct No. 5 shall have the registration list of Ward No. 5.

Sec. 8. Registration on Election Day. On any election day registration certificates of the registration of an elector in one precinct from which he may have moved shall be recognized in the precinct where the elector resides. An elector residing in the city who is otherwise duly qualified to vote and who is registered in any precinct in the city, may be registered in the precinct where he then resides on any election day on the presentation of a certificate from the chairman of the election board where registered to the chairman of the election board in the precinct in which he resides, certifying that the elector is duly registered in that precinct, and thereupon said elector may register in the precinct where he resides and be entitled to vote the same as if his name had been registered on a regular registration day. Whenever a certificate of transfer is issued as aforesaid, the chairman of the board issuing the same shall immediately cancel the registration in his precinct by noting the transfer thereon. Any elector who would be entitled to register on election day under the general laws of the state shall likewise be entitled to register hereunder.

CHAPTER 5.

NOMINATIONS.

Section 1. Nominating Petition. Any person desiring to be a candidate for any of the offices to be filled at any municipal election shall, not less than fifteen days nor more than thirty days before the date of the next preceding primary election, file with the city clerk a petition signed by not less than twenty-five, nor more than fifty, qualified electors of the city, which petition shall be in the following form:

State of Michigan,
County of Marquette, } ss.
City of Marquette.

We, the undersigned qualified electors of the City of Marquette (or in case of supervisor, of precinct number.....of the City of Marquette), do hereby join in a petition for the nomination of....., residing at number....., street, for the office of, to be voted for at the primary election to be held for the nomination of candidates to be voted for at the municipal election to be held on the.....day of....., A. D. 19.....

We believe him to be of good moral character, well qualified for the office above named, and that he is not the candidate of any committee or convention of any political party.

Name.	Occupation.	Precinct.	Street Number.
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State of Michigan,
County of Marquette, } ss.
City of Marquette.

....., being first duly sworn, says that he is the person who circulated the foregoing petition, and that the statements contained therein are true to the best of his knowledge and belief, and that the signatures thereto are genuine.

Subscribed and sworn to before me
this....day of.....A. D. 19....

.....
Notary Public.
My commission expires.....

Section 2. Candidates' Petition. The candidate shall within the same period file with the city clerk a request and an affidavit showing his eligibility for the office sought, which shall be in the following form:

State of Michigan,
County of Marquette, } ss.
City of Marquette.

I,, being first duly sworn, say that I reside at number,street, in the City of Marquette, County of Marquette and State of Michigan; that I am a qualified voter therein (and in case of mayor, that I am thirty years of age) (and in case of supervisor, of precinct number), and have been a resident of the city for three years last past; that I am a candidate for the office ofto be voted upon at the primary election to be held on theday of, 19...., and I hereby request that my name be printed on the official primary ballot for nomination by said primary election for said office.

Subscribed and sworn to before me
this....day of.....A. D. 19....

.....
Notary Public.
My commission expires.....

Sec. 3. Supervisors. Petitions in behalf of a candidate for the office of supervisor can be signed only by qualified electors residing in the precinct from and for which he is a candidate.

Sec. 4. Blanks. The commission shall provide and furnish a reasonable number of forms of the above petitions to individuals upon application.

Sec. 5. Each petition shall contain the name of one candidate and no more.

Sec. 6. May Sign Only One Petition. In case a qualified elector shall sign the petition of more than one candidate for any one office, his name shall be counted only on the petition first filed and shall be

stricken by the clerk from all other petitions for that office; provided, however, that at the first election held hereunder any qualified elector may sign the petitions of four candidates for the office of commissioner.

Sec. 7. Clerk to Verify Names. The city clerk shall verify the names on the petition with the city registration lists, and if the petition conforms to the provisions hereof he shall cause the name of the candidate to be printed on the official primary ballot, and shall at least seven days previous to the date of the primary election mail to each candidate a copy of said ballot for the purpose of correcting any error in the spelling of the name or otherwise.

Sec. 8. Date of Primary Election. A primary election for the nomination of candidates for all elective municipal offices shall be held on the second Monday preceding each municipal election.

Sec. 9. Publication of Names. Immediately on the expiration of the time for filing petitions for candidates, the city clerk shall cause to be published for three successive days in all the daily newspapers published and circulating in the city the names of all candidates that are to appear on the primary ballot. He shall also, at the same time, publish a notice of said primary election, giving the time and voting places for such election.

Sec. 10. Order of Names. The names of the candidates for the various elective offices to be filled at the next municipal election shall appear upon the official primary ballot in the following order:

- 1st. For Mayor (if to be elected).
- 2nd. For Commissioner for full term (if to be elected).
- 3rd. For Commissioner to fill vacancy (if to be elected).
- 4th. For Justice of the Peace (if to be elected).
- 5th. For Justice of the Peace to fill vacancy (if to be elected.)
- 6th. For Supervisor in the several Precincts (if to be elected).
- 7th. For Supervisor to fill vacancy (if to be elected).
- 8th. For Constable (if to be elected).
- 9th. For Constable to fill vacancy (if to be elected).

There shall be a square printed immediately to the left of the name of each candidate, and the ballot shall contain suitable and sufficient instructions appropriately placed to inform the voter of how properly to mark his ballot and for how many candidates to vote for the several offices.

Sec. 11. Ballots to Have No Party Mark. The ballots shall be printed on pure white paper, authenticated with a printed facsimile of the signature of the city clerk and numbered in accordance with the state law, but they shall have no party mark or vignette, or any other distinguishing mark whatever.

Sec. 12. Form of Ballot. The primary ballot shall be substantially in the following form:

(Place a cross in the square opposite the names of the persons you favor as candidates for the respective offices.)

OFFICIAL PRIMARY BALLOT.

Candidates for nominations for (name offices) of the City of Marquette at the primary election held

For Mayor—

(Vote for one.)

(Names of Candidates.)

For Commissioners—

(At first election.)

(Vote for four.)

(Subsequent election.)

(Vote for one.)

(Names of Candidates.)

(If to fill vacancy.)

For Commissioner for.....Years—

(Vote for one.)

(Names of Candidates.)

For Justices of Peace—

(Vote for one.)

(Names of Candidates.)

For Supervisor,Precinct—

(Vote for one.)

(Names of Candidates.)

For Constable—

(Vote for one.)

(Names of Candidates.)

Sec. 13. Clerk to Prepare Ballots. The city clerk shall prepare and have printed for each precinct, and shall cause to be delivered at the polling place in that precinct, a number of said ballots equal to at least twice the number of votes cast in such precinct at the last general municipal election for the office of mayor.

Sec. 14. Qualification of Voters and Challengers. The persons who will be qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election. Challenges can be made by not more than one person in each precinct for each candidate, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election.

Sec. 15. Canvass of Votes. The Board of Election Inspectors shall immediately upon the closing of the polls count the ballots and ascertain and publicly announce the number of votes cast in such precinct for each of the candidates and make return thereof to the city clerk upon proper blanks to be furnished by said city clerk, as soon as practicable after the closing of the polls.

Sec. 16. Canvassing by Commissioners. On the day following a primary election the commission shall publicly canvass the returns so received from all the precincts and shall make and publish in all the newspapers of said city at least once the result thereof.

Sec. 17. Determination of Candidates. The two candidates receiving the highest number of votes for mayor shall be the candidates and the only candidates for mayor whose names shall be placed upon the official ballot for the next succeeding municipal election, and the names of the two candidates receiving the highest number of votes for commissioners, and no others, shall be placed upon the ballot as candidates for commissioner at such election; provided, that at the first election hereunder the names of the eight candidates for the office of commissioner, or all such candidates if less than eight, receiving the largest number of votes, and their names only shall be placed on the ballot as candidates for commissioners at such election. The names of the two candidates receiving the highest number of votes for justice of the peace, and no others, shall be placed upon the ballot as candidates for justice of the peace at such municipal election; the names of the two candidates for the office of supervisor in each precinct receiving the highest number of votes shall be placed upon the ballot for that precinct as candidates for supervisor for that precinct, and the names of the two candidates receiving the highest number of votes for constable, and no others, shall be placed upon the ballot as candidates for constable at such election. The names of all candidates placed on the ballot at either a primary, general or special election, where more than one name appears for any office, shall rotate in accordance with the provisions of the general state primary law.

CHAPTER 6.

ELECTIONS.

Section 1. Municipal Elections. A municipal election shall be held in the City of Marquette on the first Monday in December of each year for the election of all such elective officers of said city as are provided for in this Charter and required by the general laws of the state.

Sec. 2. All inhabitants of the city having the qualifications specified in Chapter 4 on Registrations, shall be entitled to vote at all municipal elections.

Sec. 3. Ballot. The ballot at such municipal election or at any special municipal election called for the purpose of electing any officer under the provisions of this Charter shall be in the same general form as the ballot for primary elections so far as is applicable, and such election ballot shall be printed without any party mark, emblem, vignette or designation whatever, on plain substantial white paper, and the same shall be printed and numbered in accordance with the provisions of the general laws of the state regulating the printing and numbering of ballots at general elections.

Sec. 4. Board of Election Inspectors. It shall be the duty of the commission at least ten days before the regular primary nominating election held under the provisions of this Charter to appoint a Board of Election Inspectors for each of the voting precincts in the city. Said board shall consist of the registrar for said precinct and three other

electors of that precinct, all of whom shall hold their office for one year and until their successors shall have been appointed and have qualified and shall be the inspectors of all elections held in the City of Marquette during their term of office. No member of said board shall be qualified to act thereon at any election at which he is a candidate for any office.

Sec. 5. Vacancies. If at the opening of the polls at any election any of the members of the Board of Election Inspectors shall not be present or shall fail to perform the duties as such inspector, or be disqualified to act, the electors present at such election precinct may choose vive voce such number of electors as, with the inspector or inspectors present and qualified to act, shall constitute a board of four members, and such electors so chosen shall be inspectors at that election during the continuance thereof. Each inspector of election shall receive five dollars per day as compensation.

Sec. 6. Officers of Board. The registrar shall be the chairman of the Board of Election Inspectors, and the chairman shall designate one of the inspectors to act as clerk and shall appoint an elector to act as second clerk, and such number of gate-keepers as the statute shall require. To such gate-keepers and such clerk or clerks, and inspector or inspectors so appointed, shall be administered the constitutional oath by any commissioner or by the chairman of the precinct election board, or by any other person duly authorized to administer oaths. The second clerk shall receive five dollars per day, and the gate-keepers shall receive three dollars per day as compensation.

Sec. 7. Manner of Conducting Elections. All elections held under the provisions of this Charter shall be conducted, the votes shall be canvassed and the results shall be announced, as nearly as may be, except as herein otherwise provided, in the manner provided by law for the holding of general elections in this state. The inspectors of such elections shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding election and the canvassing of the votes as are conferred by law upon inspectors of general elections held in this state.

Sec. 8. Canvassing of Votes. The commission shall convene on Thursday next succeeding each election, at their usual place of meeting, and publicly canvass the results of the election upon each question and proposition voted upon, and shall canvass the votes cast and determine what persons have been duly elected at such election to the several offices to be filled at that election, and thereupon said city clerk shall make duplicate certificates under the corporate seal of the city of such determination showing the result of the election upon any question or proposition voted upon and what persons have been declared elected to the several offices, one of which he shall file in his office and the other he shall file in the office of the county clerk. Certificates of election shall also be issued to each candidate elected to the several offices, and each person elected to any office in the City of Marquette under the provisions of this Charter shall, within ten (10) days after receiving the certificate of his election to any office, take and subscribe

the official oath required by this Charter and file the same with the city clerk.

Sec. 9. Plurality or by Lot. The person receiving the greatest number of votes for any office in the city shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes for that office, the commission shall at the meeting mentioned in the preceding section determine by lot between such persons which shall be considered and declared elected to such office.

Sec. 10. First Election. At the first election hereunder the candidate who shall receive the highest number of votes for the office of commissioner shall be deemed and declared to be elected commissioner for the term of four years. The candidate who shall receive the next highest number of votes for said office shall be deemed and declared to be elected commissioner for the term of three years. The candidate who shall receive the third highest number of votes for said office shall be deemed and declared to be elected commissioner for the term of two years. And the candidate who shall receive the fourth highest number of votes for said office shall be deemed and declared to be elected commissioner for the term of one year.

Sec. 11. Unlawful to Pay for Campaign Work. It shall be unlawful for any candidate at any primary or municipal election for any municipal office, or any person in his behalf, directly or indirectly, to employ any person to do any campaign work, electioneering or soliciting for votes for such candidate for hire, either of money, promises of money or other valuable thing, or promises of office or employment, and it shall be unlawful for any person to agree to perform any such service in behalf of any such candidate for any consideration, profit or benefit whatever. Any violation of this section shall be a misdemeanor and shall be punished by a fine not exceeding one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty (30) days.

Sec. 12. Treating and Villifying. It shall be unlawful for any candidate for any office created by this Charter at any primary or municipal election, and likewise for any person in his behalf, either directly or indirectly, to buy for, or give to, or cause to be bought for or given to any elector, any cigars or intoxicating liquors, and the candidate who shall violate any of the provisions hereof, or shall permit the same to be violated in his behalf, or shall be guilty of making or causing to be made any untrue or unjust statement reflecting on the character of any of his opposing candidates during any campaign, shall be disqualified to receive the nomination in case of a nominating campaign and shall be disqualified for holding office in case of an election campaign. The intent of this section is to prohibit and prevent the practice of treating during a campaign and of villifying candidates for public office.

Sec. 13. Conveyance of Electors. It shall be unlawful for any candidate for any municipal office, or anyone in his behalf, directly or indirectly, to employ or hire any hack, carriage, motor vehicle, or any

other conveyance for the purpose of conveying voters to the polls at any primary or municipal election. Any violation of this section shall be a misdemeanor and shall be punished as provided in Section 11 of this Chapter.

Sec. 14. Three Years' Residence. No person shall be eligible to office of mayor or commissioner who is not a qualified elector, a citizen of the United States and a resident of the City of Marquette for at least three years.

Sec. 15. Vacancies. If any vacancy occurs in any elective office, the commission, or in case the vacancy be in the commission itself, then the remaining members of the commission, shall appoint a qualified elector of the city to fill such vacancy until the next general municipal election. In case of an appointment of a supervisor to fill vacancy, such appointment shall be of an elector from the precinct where the vacancy exists.

Sec. 16. Oath of Office. Before entering upon the duties of their office, the mayor and each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States, the constitution of the State of Michigan, and to obey the laws of the state and this Charter and to aim to secure and maintain an honest and efficient force of appointive officers and employes, free from partisan distinction or control, and to perform the duties of his office to the best of his ability; and all other officers, elective and appointive, shall, before entering upon the duties of their respective offices, take the constitutional oath of office.

Sec. 17. State and County Elections. The several boards of election inspectors herein provided for shall act as such at all state and county elections, and each precinct board shall canvass the votes cast in such precinct at such elections and report the same directly to the proper official as required by the general laws of the state.

Sec. 18. Failure of Election. If an election of mayor, commissioners and other officers shall not be made on the day when, pursuant to this act it ought to be made, the said corporation shall not for that reason dissolve, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular elections.

Sec. 19. Recount. The general laws of the state providing for the correction of frauds and mistakes in the canvass and returns made by inspectors of elections shall be enforced in this city, and the commission, while engaged in canvassing the returns from the various voting districts of the city, shall be deemed to be the Board of City Canvassers and the city clerk shall be deemed to be the clerk of such board.

CHAPTER 7.

REPORT ELECTION EXPENSES AND OFFENSES OF CITY OFFICERS.

Section 1. Report Election Expenses. Every candidate for an elective office shall three days before the Charter election, and every successful candidate to such office shall also within ten days after election and before he shall be permitted to qualify or assume the duties of the office, file with the city clerk his sworn statement of all his expenses and obligations incurred both at the nominating election and at the municipal charter election, which statement shall also show what funds were contributed and by whom contributed for such campaigns. Failure to file the statements above required shall be grounds for removal from office and shall bar the person thus failing from being a candidate for re-election at any recall election held in pursuance of the provisions of this Charter.

Sec. 2. Using Official Influence. Punishment. Any officer or employe of the city, who by solicitation or otherwise shall use his influence directly or indirectly on account of his official position to induce any employe of the city to adopt his political views or favor any particular person or candidate for office either at the primary or charter election, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine, not less than ten dollars, not more than one hundred dollars, or by imprisonment in the county jail or city prison not less than three or more than thirty days.

Sec. 3. No Interest in Contracts. No officer elected or appointed for the city shall be interested directly or indirectly as principal surety or otherwise in the fulfillment of any contract, job, work, claim, or service in which the city is a party, or in the sale of property to the city.

Exception. This shall not be construed as prohibiting the purchasing agent or other officer of the city from purchasing of, or contracting with, an established business concern in which a commissioner may be interested, provided that such business was established and the commissioner's connection therewith was well known to the public at the time of his election, and provided further that such purchasing and contracting shall be done in the open market and open to all for competition.

Punishment. Violation of this section shall be deemed to be a misdemeanor and punishable as such, and the officer so offending shall forfeit his office.

CHAPTER 8.

RECALL.

Section 1. Recall. Any holder of an elective office or anyone appointed to fill vacancy therein may be recalled and removed therefrom by the qualified electors of the City of Marquette as provided herein.

Sec. 2. Petition. Any qualified elector of the city may make and file with the city clerk an affidavit containing the name of the officer

sought to be removed and a specific statement of the grounds for removal. The city clerk shall thereupon deliver to the elector making such affidavit a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the city clerk, with his signature and official seal thereto attached; they shall be dated and addressed to the commission, and shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of a successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of the city clerk.

Any defect in said form or record shall not invalidate the same. Said recall petition to be of any effect must be returned and filed with said city clerk within thirty days after its issuance.

Sec. 3. 20 Per Cent Required. Said petitions, before being returned and filed, shall be signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for all candidates for the office of mayor or commissioner for full term at the last preceding general municipal election, and to each signature shall be attached his place of residence, giving street and number and voting district. Such signatures need not all be on one paper. A qualified elector of the city shall make an affidavit thereunto that each signature appended to the paper is the signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, bearing the endorsement of the names and addresses of three persons designated as filing the same.

Sec. 4. Clerk to Verify. Within ten days from the filing of said petition, filed within thirty days as provided in Section 1, the city clerk shall ascertain by examination thereof, and of the registration books and election returns, whether such petition is sufficient, and shall attach thereto his certificate showing the result of such examination.

Sec. 5. If Insufficient, May Add New Names. If his certificate shows the petition to be insufficient he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; additional signatures properly verified may be filed at any time within ten days from the filing of the certificate. The city clerk shall, within ten days after such re-filing, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if no additional signatures are so filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

Sec. 6. If Sufficient, Election Ordered. When the petition shall be found and certified by the city clerk to be sufficient, he shall submit the same with his certificate to the commission without delay, and the commission shall, if the officer sought to be removed does not resign within five days thereafter, forthwith, after said five-day period, order and fix dates for holding the said election not less than forty days nor more

than fifty days from the date of the city clerk's certificate showing that a sufficient petition is filed; provided, however, that if any other municipal election is to occur within sixty days from the date of the clerk's certificate, the commission may, in its discretion, postpone the holding of the removal election to the date of such other municipal election.

Sec. 7. Notice of Election. The commission shall make, or cause to be made, publication of notice and all arrangements for holding such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as herein provided.

Sec. 8. Incumbent May Be Candidate. Any officer sought to be removed, if otherwise qualified, may be a candidate to succeed himself, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballot without nomination.

Sec. 9. Conducted Same as Ordinary Elections. The nomination of other candidates, the publication of notice of such removal election, and the conduct, shall all be in accord with the provisions of this Charter, relating to nominations and elections.

Sec. 10. Incumbent to Hold Pending Election. The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall nevertheless be deemed removed and the office vacant.

Sec. 11. Must Be Three Months in Office. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Sec. 12. Recalled Disqualified for Two Years. Any person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be disqualified from holding an elective or appointive office within two years after such removal or resignation.

Sec. 13. Reasons May Be Published. In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and the officer may justify his course in office in said published call in not more than two hundred words.

Sec. 14. The official ballot shall be in the following form:

City of Marquette.

Special election for the balance of the unexpired term of.....

..... as

Official Ballot.

Signature.

Vote for one only.

Names of Candidates.

[]

[]

[]

.....

City Clerk.

CHAPTER 9.

COMMISSION AND DISTRIBUTION OF POWERS.

Section 1. **Commission.** All the corporate powers of the City of Marquette are hereby vested in a commission consisting of the mayor and four commissioners elected as provided in this Charter.

Sec. 2. **Powers.** The commission shall have and possess, and the commission and its members shall exercise, all the executive, legislative and judicial powers and duties now had, possessed and exercised under the Charter heretofore in force by the mayor, aldermen, common council, park, cemetery and street commission, police commission, board of fire and water commissioners of the City of Marquette, the light and power commission of the City of Marquette, and the Peter White Public Library of the City of Marquette.

Sec. 3. **Further Powers, Ordinances, Etc.** The commission may do any act to advance the interests of the city and the good government and prosperity of the municipality and its inhabitants and may enact all laws and ordinances relating to its municipal concerns, subject to the laws of the State of Michigan and the United States.

Sec. 4. **Departments.** The executive and administrative powers, authority and duties shall be distributed into and among six departments, as follows:

Department one, Public Affairs.

Department two, Accounts and Finances.

Department three, Public Works.

Department four, Public Health and Safety.

Department five, Light and Power.

Department six, Water.

Sec. 5. **Mayor. Public Affairs.** The mayor shall be the executive head of the city and shall have charge of the Department of Public Affairs and such other duties or departments as the commission may from time to time assign to him, and shall be president of and preside at all meetings of the commission, shall be entitled to vote on all questions, and in case of a tie vote upon any question, shall also be authorized to cast the deciding vote.

Sec. 6. Assignment of Departments. The commission shall at its first regular meeting in the month of January, after each annual election, designate by a majority vote one of its members to have supervision of department two, one of department three, one of department four, one of department five, and one of department six, but such designation may be changed from time to time whenever it shall appear to the commission that the public service would be benefited thereby.

Sec. 7. Commission to Fix Duties. The commission shall determine the powers and duties to be performed by each commissioner, and shall prescribe the duties of employes, and may assign particular officers and employes to one or more departments, and may require any of the officers or employes to perform duties in one or more departments, and make such other rules and regulations as may be necessary for the efficient and economical conduct of the city.

Sec. 8. Appointive Officers. The commission shall have power to appoint the following officers: City clerk, city treasurer, city assessor, city attorney, health officer, and may appoint a city engineer when necessary. Each commissioner assigned to a department or departments shall have supervision over his department or departments, or questions of detail, but the general policy adopted by the several departments above enumerated shall be decided by the commission. Each commissioner of each department shall appoint his own department head, subject to confirmation by a majority vote of the commission.

Sec. 9. Quorum. Three Affirmative Votes Necessary. Each member of the commission shall have the right to vote on all questions before it except when personally financially interested. Three members shall constitute a quorum, and the affirmative vote of three members shall be necessary and sufficient to adopt any motion, resolution, ordinance, or to pass any measure, except when it is provided by the laws of the state or in this Charter that a greater number shall be required in the passage of any stated motion, resolution, or ordinance, or it is provided that the same shall be referred to the electors.

Sec. 10. Journal of Minutes. The city clerk shall be the clerk of the commission, and shall keep correct and accurate minutes in the English language, in a printed or written journal, of every session of the commission, and the same shall be printed in one daily newspaper published in the city within three days after the meeting.

Sec. 11. Meetings. All meetings of the commission shall be public and held in the City Hall in the City of Marquette. The commission shall hold at least one regular meeting each week, and shall fix the day and hour thereof, and shall adopt rules and regulations for its government.

Special Meetings. Special meetings may be called at any time upon the request of two or more of the members, the object of the meeting being stated in the call.

Sec. 12. Resolutions in Writing. Every resolution and ordinance shall be reduced to writing and read before the vote is taken thereon; and before it shall be in force must be signed by the mayor or two

commissioners and by the clerk. The signing of the minutes prescribed in Section 10 of this chapter by the above officials shall be a sufficient signing.

Ayes and Nays—All votes shall be by a call of the “ayes” and “nays”, and the names of the persons voting shall be entered on the record.

Sec. 13. Inspection of Records. The records and books of the commission, and all contracts, licenses, franchises and other documents pertaining to the business of the city and the transactions of the commission, shall during all office hours be open to inspection by any elector or taxpayer of the City of Marquette, in person or by representative.

Sec. 14. Mayor and Clerk to Sign. All bonds, contracts, warrants, and evidence of indebtedness, authorized by the commission, shall be signed by the mayor and clerk.

Sec. 15. Supervisory Powers of Commission. The commission shall have control and supervision over all of the departments of the city, and to that end shall have power to make and enforce such rules and regulations as to it may seem fit and proper for and concerning the organization, management and operation of all the departments of the city, and shall have power by the affirmative vote of four of its members to effect the consolidation of all the departments of said city. It shall have power to create such office or offices as it may deem necessary for a prudent and successful administration of the affairs of the city, and to fix the salaries of the persons appointed thereto. And it shall have power at any time to abolish any such office and to terminate the official duties and relations of the person occupying the same. The commission shall determine from time to time by ordinance which of such appointees shall hold office during the pleasure of the commission, and which shall hold for a definite term; provided, however, that no definite term shall exceed three years.

Sec. 16. Examination of Books, Etc.—The commission shall employ for a stipulated compensation at the close of each fiscal year a certified accountant, who shall examine the books, records and reports of all officers and employes who receive or disburse city moneys, compare the tax roll for summer and winter taxes with the amount of the warrant and amount collected and amount returned unpaid. Such accountant shall file his report with the clerk, which report shall be kept for public inspection.

Said accountant shall recommend ways and means to improve the method of keeping the books, records and accounts of the city, if he shall find that improvement can be had, and the same shall be referred to the Department of Accounts and Finances. The commission shall provide for a system of accounts which shall conform to any uniform system required by law.

Such accountant shall have unlimited privilege of investigation, and to examine, under oath or otherwise, all officers, clerks and employes of the city, and any other person he may deem necessary; and every such officer, clerk and employe shall give all required assistance and in-

formation to said accountant and submit to him for examination such books and papers of his office or over which he may have control as may be requested, and failure to do so shall be deemed and held to be a forfeiture of his office.

The commission shall provide for the payment of the services of said accountant.

Sec. 17. No Veto Power. The mayor shall have no veto power over the acts of the commission.

Sec. 18. Mayor Pro Tem. The commission shall, at its first regular meeting in the month of January in each year, elect by ballot by a majority vote of all the members thereof, one of the commissioners to act as mayor pro tem, and the commissioner so chosen shall be invested with all the powers and shall perform all the duties of mayor during the mayor's absence or disability.

Sec. 19. Other Duties of Mayor. The mayor shall exercise such other powers and perform such other duties as may be prescribed by the laws of the state, or by this Charter, or by order of the commission.

Sec. 20. Department of Public Affairs. The Department of Public Affairs shall be under the superintendence of the mayor. It shall include all legal matters, all work of the city attorney and city clerk, and such other duties as are prescribed in this Charter or may be prescribed by the commission.

Sec. 21. Department of Accounts and Finances. The Department of Accounts and Finances shall include the city treasurer's office and work, the city assessor's office and work, the collection of fines, licenses, electric light and water rates, and any other rates or charges for public utilities, and shall have charge of the settlement with the clerk, treasurer, justices of the peace, constables, and all other persons holding or handling city moneys.

Sec. 22. Report Account to Be Raised by Taxes. The several departments shall annually, and at least twenty days before the time fixed for the commission to designate the amount to be raised by taxes for the current year, report in detail to the Department of Accounts and Finances the amount that each, in his opinion, will require to perform its work for the ensuing year.

Sec. 23. Fix Tax Levy. The Department of Accounts and Finances shall thereafter, and as soon as may be and before the second regular meeting of the commission in the month of March in each year, report in detail to the commission the amount that, in its opinion, shall be raised by taxation the current year for the carrying on of the several departments and for all other purposes, and at its fourth regular meeting in the month of March in each year the commission shall fix the amount to be raised by taxation.

Sec. 24. Department of Public Health and Safety. The Department of Public Health and Safety shall include the police department, fire department, health department, markets, pounds, harbors, playgrounds, and fire wardens, and the inspection of plumbing, electrical wiring, elevators, fire escapes and buildings.

Sec. 25. Department of Public Works. The Department of Public Works shall include all construction work, care for streets, alleys, side and crosswalks, bridges, sewers, conduits, culverts, paving, grading, opening up of streets and street cleaning, parks, park structures and cemeteries.

Sec. 26. Department of Light and Power. The Department of Light and Power shall include the care and management of all property of every description now owned, operated or controlled by the city through the present Light and Power Commission, and all that may be hereafter acquired, and shall have the management of the business of generation, distribution and sale of electric current and electrical supplies.

Sec. 27. Department of Water. The Department of Water shall include the care and management of the present pumping station and all existing water mains, mains now under construction or that may be hereafter constructed, and all other property of every description now controlled by the Board of Fire and Water Commissioners, and shall have the management of the business of pumping, distributing and delivering of water as needed by the inhabitants, industries and the other departments of the city.

Sec. 28. Execution of Commission's Orders. Each commissioner having supervision of a department of the city shall carry out and execute the orders of the commission in all matters pertaining to his department, and all expenditures, and itemized bills of the same, shall, before being audited and paid by the commission, be O. K.'d by the commissioner in charge, with his signature, and also be O. K.'d by the official under whom the work was actually performed or material furnished. The "O. K." shall constitute and be a certificate that the bill is an actual and true claim against the city.

CHAPTER 10.

POWERS AND DUTIES OF THE COMMISSION.

Section 1. Impose Fines. Where, by the provisions of this Charter, the commission shall have authority to pass ordinances on any subject, it may prescribe as punishment for the violation thereof, fines, penalties, or forfeitures not exceeding five hundred dollars, or imprisonment not to exceed ninety days in the county jail or the city prison, or in any workhouse in the state authorized to receive prisoners from the City of Marquette, or both said fine and imprisonment, at the discretion of the court, and provide that the offender or offenders, on failure to pay the fines, penalties or forfeitures imposed within the time fixed therefor, shall be imprisoned in the jail, prison or workhouse above mentioned until the payment thereof, for any term not exceeding ninety days. Said fines, penalties and forfeitures may be sued for and recovered with costs in the name of the City of Marquette, which said suit may be commenced on making and filing a complaint on oath by warrant in any court of said city having jurisdiction. Prosecutions of offenses under this Charter, or for the violation of any provision of

any ordinance, shall be criminal in their character, may be conducted in any court of competent jurisdiction, and shall be governed by the general laws of the state relating to criminal trials.

Sec. 2. Same Duties as Township Boards. The commission of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this state in reference to state, county, and school taxes, state, congressional, judicial, district and county elections, and the support of the poor, except as is otherwise provided in this Charter.

Sec. 3. Control of All Property and of Finances. The commission, in addition to the powers and duties especially conferred on it in this Charter, shall have the management and control of the finances, rights and interest, buildings and grounds, waterworks and supply, sewers, parks, playgrounds, care of trees, gas and electric plants, conduits, and all property, real and personal, now or hereafter belonging to the city, situated within or without the city, and may make such ordinances and by-laws relating to the same as it shall deem necessary and proper; and, further, it shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it shall deem desirable within said city, for the following purposes:

1st. Preserve the Peace. To prevent vice and immorality; to preserve the public peace and good order; to direct and control the police of the city; to prohibit, prevent and quell riots, disturbances, disorderly noises or assemblages in the street or elsewhere in said city.

2nd. Suppress Disorderly Houses. To prohibit, prevent and restrain disorderly and gaming houses; to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate and restrain billiard and pool tables and bowling alleys.

3rd. Prohibit Gaming. To prohibit, restrain or prevent persons from gaming for money or other valuable things with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or any other instrument or device whatsoever, in any hotel, saloon, store, shop or in any other place or grounds in said city; to punish the persons keeping the buildings, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same.

4th. Lotteries. To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable things whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof.

5th. Sale of Liquor. To forbid and prevent the vending or other disposition of liquor and intoxicating drinks in violation of the laws of this state, and to forbid the selling or giving to be drank of any intoxicating liquors to any minor, drunkard or posted person.

6th. Abate Nuisances. To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the occupant or owner of any store, restaurant, saloon,

meat market, fish stall, butcher shop, slaughter house, factory, tannery, stable, privy, hog pen, sewer or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may deem necessary for the health, comfort and convenience of said city, and may forbid and prevent the keeping of swine within the city limits.

7th. Slaughter Houses. Explosives. To direct and regulate the location of slaughter houses, and make rules for their care, or may forbid and prevent the location of any slaughter house or the slaughtering of animals within the city limits; to direct the location and regulate or forbid the storing of gunpowder, gasoline, or other combustible or explosive substances, and limit the amount that may be stored, and regulate and designate the method of storing and handling the same; also to make regulations concerning the buying, caring, selling, keeping and using gunpowder, firecrackers or fireworks, or other combustible, explosive or dangerous articles, and the exhibition of fireworks, and the discharge of cannon or firearms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain or prevent the making of bonfires in streets, lanes, alleys, yards or public places.

8th. Cumbering Streets. Obstruction to Rivers. Awnings. Use of Streets and Grades. Free Flow of Streams. Injury to Pipes, Etc. To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, in any manner whatever, and to forthwith remove any obstructions therefrom; to regulate or prevent the exhibition of signs on canvass or billboards or otherwise, in or upon any vehicle, standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe or regulate the mode of constructing or suspending awnings and the exhibition and suspension of signs, and may require bonds to be given by the owner to indemnify the city from all damage caused by the same, and it may prevent and forbid the erection thereof beyond the street line; to control and prescribe and regulate the public uses to which streets, avenues, alleys, public grounds and spaces within said city shall be put, and establish the grades thereof; to control all streams and water courses within the limits of the City of Marquette; prevent encroachments upon the same, or the free flow of water, or the pollution thereof, and remove forthwith all obstructions caused by any person or persons or any corporation. The expense of removal shall be a debt of the person or corporation making the same, and collected as any other debt; to preserve and protect the purity of the waters in Lake Superior and any and all streams, waters or places from which the water supply may or shall at any time hereafter be obtained; to provide for the preservation of and the prevention of injury to waterworks, water pipes, sewers, conduits, fire alarm apparatus, pavements, sidewalks, crosswalks, streets, alleys, avenues, electric light plant and its lamps and wires, gas works and pipes that may be owned by the city;

to provide for the planting of trees, and provide for their care, protection and preservation in public parks and on streets.

9th. Horses. Automobiles. Speed Limit. Passing Street Cars. To require that any horse, mule or other animal, standing in any street, alley or public place or grounds in the city to be securely fastened, held or watched; to prohibit the standing of any automobile, wagon or other vehicle, or the hitching or standing of any horse, mule, or any other animal in such streets or parts of streets, or in such public places as the commission may prescribe; to prevent and punish horse racing and driving or riding at a speed faster than prescribed by the commission, in any street, avenue or alley, and the commission is authorized to fix and declare the speed limit for any street, avenue or alley that shall not be exceeded by any street car, automobile, bicycle, motorcycle, horses, mules or any vehicle, and may authorize the stopping, detaining and punishment of any person who shall be guilty of violating the same, and make regulations governing the crossing of streets at intersection of streets by automobiles, motorcycles, bicycles, horses, mules, carriages, —wagons, omnibuses, hacks, or any other vehicle, and fix the penalties for the violation thereof; and may regulate and forbid the passing of street cars while taking on or unloading passengers by automobiles, motorcycles, bicycles, horses, mules, carriages, wagons, omnibuses, hacks or any other vehicle; may authorize the stopping and detaining and punishment of any person who shall be guilty of violating the same, and make any other rules and regulations regarding the use of the streets, deemed by it (the commission) necessary for the safety of persons using the same.

10th. Street Railroad. Speed of Trains. Flagmen at Crossing. Cross Streets. Remove Tracks Put Down Without Authority. To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines, motors and cars upon the railroads within said city, and to compel the railroad companies to station flagmen at street crossings and to prescribe the length of time that engines or cars may stand across streets, or otherwise obstruct them, or to prohibit the same; to authorize railway companies to cross streets upon obtaining the affirmative vote of four commissioners, and until authority is given, the crossing of streets, alleys and parks, except where now occupied, is forbidden, and the mayor and also the commission are authorized to use the police power, and in case the same shall be crossed without permission first obtained, then it shall be the duty of the mayor and also the commission to cause the immediate removal of any track, siding or construction put down by any railroad or any person across any street, alley or park. The expense of removal shall be a debt of the company or person or persons causing the same to be put down, to said city, and collected as any other debt, and the commission can make all such other rules and regulations as they deem necessary concerning the streets, alleys and parks, to secure the safety of the citizens and other persons.

11th. Vagrants, Etc. Selling Liquor to Posted Persons. To re-

strain and punish drunkards, vagrants, mendicants, and street beggars soliciting alms or subscriptions for any purpose whatever, and to restrain and prevent any person from knowingly purchasing or obtaining any spirituous, malt, brewed, fermented or vinous liquors, or any beverage, liquor or liquids containing any spirituous, malt, brewed, fermented or vinous liquors, at any drug store, saloon, hotel, tavern or other place where spirituous, malt, brewed, fermented or vinous liquors are sold or kept for sale, when the proprietor, clerk or agent of said drug store, saloon, hotel, tavern or other place where such liquors are sold or kept for sale has been forbidden, in writing, by the husband, wife, parent, child, or guardian of such person, or the assessor, mayor, superintendent of the poor of the county of Marquette, or by the chief of police, to furnish such person any spirituous, malt, brewed, fermented or vinous liquors or liquids.

12. Bathing. Obstruction in Water Courses. To regulate or prohibit bathing in any public water, to provide public places for bathing and regulate the use of the same; to provide for clearing of rivers, ponds and streams in said city, of all obstructions, and to forbid the placing of any obstructions in the bed of the river, and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive.

13th. Animals Running at Large. To prevent the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding.

14th. Dogs. To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their being killed when running at large in violation of any ordinance of the commission, and to prohibit any person from placing, exposing or administering any poison to any dog or other animal not his own, and to punish such person for so doing.

15th. Offensive and Decayed Matter. To prohibit any person from bringing into or depositing in said city any dead carcass unfit for food or any other unwholesome or offensive substances, or having on his premises any such substances, or any putrid meats, fish, hides, skins, eggs, vegetables or any other decayed matter, and to require the removal or destruction of same, and on neglect or refusal so to do, the same may be removed by any officer of the city, and the expense of removal shall become a debt to the city to be paid by the person so offending, and collected as any other debt due the city. Provided, however, that if the removal be made by an officer of the city, it shall not in any manner effect any liability prescribed under the ordinances made for the offense.

16th. Snow and Ice. To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; provided, however, the commission

may remove snow and ice from the street and sidewalks at the expense of the city. But the city shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood and other obstructions.

17th. Building Line. To regulate and establish the line upon which buildings may be erected upon any street, land or alley in said city, and to compel such buildings to be erected upon such line, by imposing a fine upon the owner thereof, not exceeding five hundred dollars for each offense.

18th. Graveyards. To regulate all graveyards in the city and burial of the dead.

19th. Market Places. To build markets, market places, and rent the same; to regulate markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys or public places in said city, and to prescribe the places for selling the same.

20th. Public Lighting. To regulate the lighting of streets, alleys and public places, and the protection and safety of the public lamps and lighting apparatus and appurtenances.

21st. Duties of Employes. To prescribe the duties of all officers and employes of the city and fix their compensation, and fix the penalty or penalties for failure to perform such duties, and to prescribe the bonds and sureties to be given by the officers and employes of the city for the discharging of their duties and fix the amount thereof and the time for executing the same. The penalty and amount of bond required can be changed by the commission, when it shall deem it to the interest of the city.

22nd. Drain Premises. To fill up, level or drain any lot or premises whenever the commission shall deem it necessary, and to assess the cost and expenses thereof, including the cost of any necessary storm sewer on the said lot or premises, or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced and collected.

23rd. Public Grounds. To provide for public parks, public playgrounds, squares and swimming places, either within or without said city, and to take and hold real estate, both within and without the limits of said city, for that purpose, to make grade, improve and adorn the same, and to control and regulate the same.

24th. Poles, Conduits, Etc. Place Under Ground. To provide for the erection of public lights and necessary apparatus, to regulate and control the erection and maintenance, within the streets of said city, of conduits, poles and wires for telegraph, telephone and electric and gas lights, and forbid the erection and maintenance of poles on any or all streets, and compel the placing of telegraph and telephone and other wires under ground in such streets as may be designated by the commission, and fix a penalty for failure to comply with the order of the commission.

25th. Obscene Matter. To prohibit and prevent in the streets and

elsewhere in said city any lewd and lascivious behavior or indecent exposure of person, the show, sale or exhibition for sale of any indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, scurrilous, scandalous, libelous or defamatory matter, and of indecent or obscene exhibitions and shows of any kind.

27th. Bridges, Sewers, Etc. To establish, construct, maintain, repair, enlarge and discontinue within the streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains and lateral drains and sewers as the commission may see fit; to compel the owners or occupants of all occupied lots, premises and sub-divisions thereof within said city to construct private drains and sewers therefrom, to connect with the public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations, as the commission shall prescribe.

28th. Establish Boundaries of Streets. To survey and establish the boundaries of the city, and all streets, avenues, lanes, alleys, public parks, grounds, squares and spaces in said city; to prevent and forthwith remove all incumbrances and encroachments upon the same by buildings, fences, or in any other manner, the expense of the same to be paid to the city by the owner, and assessed as a lien against the property; to number the buildings, and to assess the expense of such numbering to the owner or occupant and collect the same.

29th. Public Health. To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally; to establish a board of health, and prescribe and regulate its powers and duties; and the commission shall from time to time adopt such ordinances, rules and regulations as shall fully carry out the matters referred to in this section and protect the health of the people of the city as provided in this and other sections of this Charter.

30th. Houses of Ill Fame. To prohibit, prevent and suppress disorderly houses, the keeping of houses of ill fame or assignation, or for the resort of common prostitutes; to restrain, suppress and punish the keepers thereof and the persons found therein; to punish common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use, or practice the same, and all persons aiding in the management, use and practice thereof.

31st. Unwholesome Food. To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale.

32nd. Disturbance of Meetings. To prevent the disturbance of any

religious congregation or any other public meeting assembled for any lawful purpose.

33rd. Cesspools, Etc. To direct and regulate the construction of cellars, slops, barns, private drains, private sewer pipes and fixtures, and cesspools, sinks and privies; to compel the owner or occupant to fill up, remove, drain, cleanse, alter, relay or repair the same.

34th. Storing of Explosive Substances and Obnoxious Matter. Extra Hazardous Buildings. To prohibit and prevent within certain limits or districts in said city, to be determined by the commission, the location and construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances, slaughter houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered in tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on, and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundaries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings or establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the commission may make with a view to the protection from injury by fire or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances.

35th. Fire Limits. To prescribe, from time to time, limits or districts within said city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any place without or within such limit to any lot or place within such limits or districts.

36th. Fire Limits. To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the erection of gas works, and the storing of lumber, wood or other easily inflammable material, when in the opinion of the commission the danger from fire is increased, and every building or structure which may be erected, placed, or enlarged or kept in violation of any ordinance or regulation of the commission made for the prevention of fire, is hereby declared to be a nuisance and may be abated or removed by direction of the commission.

37th. Division Walls, Fences, Etc. Fire Hazard. Enter Buildings. To regulate the construction of division or partition fences, and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of buildings, chimneys, hearths, fire-places, fire arches, ovens, and the putting up of stoves, stovepipes, kettles, boil-

ers, or any structure or apparatus that may be dangerous in causing or promoting fires or the safety of the building; to prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and to fix the fees therefor; to compel and regulate the construction of ash houses, or depositories for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, or have hazardous material stored therein, and to cause such as are in a dangerous or hazardous state to be put in a safe condition, and to punish any person for neglecting or refusing so to do; to compel all persons to aid in the extinguishment of fires and preservation of property, and to authorize any of the officers of the city to keep idle or suspicious persons away from the vicinity of fires.

38th. Fire Department. To establish, regulate and maintain a fire department, and make rules and regulations for its government, and by ordinance shall prescribe rules and regulations deemed by it necessary for the prevention of fires.

39th. Regulate Pawnbrokers, Auctioneers, Etc. License Circuses and Shows. Parades on Streets. Hotels. Territory in Which Liquor May Be Sold. To license and regulate or restrict or prevent hawking and peddling in the streets, lanes, alleys, and public places in the city, and may prescribe rules to govern and may license and regulate pawnbrokers and auctioneers, salesmen soliciting trade at retail by samples, solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, private house, railroad or other place, also draymen and their drays, cartmen and their carts, trunkmen, porters, runners, cabs and their drivers; hackney, taxicab, carriages and automobiles and their drivers; omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire; scavengers, chimney sweeps, and bill posters, and fix their fees and rates of compensation, and the fees to be paid by them into the city treasury for licenses; prevent or license and regulate the public exhibition by persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common show men and shows of any kind or parades of the same in the city streets; and may license and regulate halls, opera houses, rinks, and other places of public amusement, and may also regulate the keeping of hotels, taverns, and other public houses, groceries, ordinaries, saloons, and victualing and other houses or places of furnishing meals, food or drink; and may license, regulate, or suppress hucksters, and may regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meats, fish, poultry, vegetables, food, or provisions, and may regulate, prescribe and restrict the territory within and the streets upon which saloons where intoxicating liquors are sold, shall be located.

40th. Census. To provide for taking a census of the inhabitants of the city whenever the commission may see fit, and to direct and regulate the same.

41st. Employment of Prisoners. To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this Charter, or any ordinance of the common council heretofore made, or by the commission hereafter made, in the jail of Marquette county, or in any city prison, at work or labor, either within or without the said city, or upon the streets, lanes, alleys or public grounds of said city, or on any public work under the control of the commission; to allow any person so confined for the non-payment of any fine, penalty, forfeiture or cost, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor.

42nd. Revoke Licenses. To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this Charter and the ordinances of the commission; to direct the manner of issuing and registering the same, and by what officer they shall be issued or revoked, and to prescribe the amount of money to be paid therefor to the city treasurer; but no license shall be granted for more than one year.

43rd. Printing. To provide for printing and publishing all matter required to be printed and published under this Charter, or by order of the commission, in such manner as the commission may prescribe.

44th. The commission shall have power by the affirmative vote of four or more members of the commission, unless otherwise limited in this Charter, to purchase and hold real estate for the use of said city, for waterworks, water supply, sewerage, swimming pools, playgrounds, electric power plants, gas plants, or other public utility plants, hospitals, park or cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same were within the city limits of said city; and the commission may by unanimous vote sell real estate belonging to the city when same comes into disuse or is not required for city purposes, when not restricted by the general laws of the State of Michigan.

45th. Prohibit in Certain Cases. To prohibit all practices, amusements and doings in said streets, lanes, alleys, public places, parks and grounds, having a tendency to frighten teams and horses or dangerous to life, limb or property; to remove or cause to be removed therefrom all walls and structures that may be liable to fall so as to endanger life, limb or property.

46th. Sale of Goods. To prohibit, restrain or regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the license fee to be paid by auctioneers and of the owner of the property being sold.

47th. Drains Under Railroads. To compel all railroad and railway and street car lines within said city to construct and maintain all street crossings, drains, culverts and sewers upon and across their right-of-way, tracks and grounds, and of sufficient capacity to care for the water that is or may be retarded in its flow to the outlets, and to compel them to pay for the cost of the same; and to construct and maintain of the

material designated by the Department of Public Works, street crossings over and across their tracks, whenever streets cross the same.

48th. Burning of Coal, Etc. To regulate the burning of coal, petroleum, and other kinds of fuel within the limits of said city, in such manner, by means of smoke consumers or otherwise, as to decrease the amount of smoke or prevent the smoke therefrom becoming a nuisance or offense to the inhabitants of said city.

49th. Minors. To prohibit minors from being abroad at night, except by permission of their parents or guardians.

50th. Cigarettes, Etc. To prohibit the sale of cigarettes and tobacco to minors contrary to the laws of this state.

51st. Minors in Certain Places. To prohibit and prevent minors from frequenting or remaining in or about any saloon or other place where spirituous and intoxicating liquors are sold, or in any billiard room, bowling alley, or other place where games of skill or chance, or partly of skill and partly of chance, are being played, or in any place where any form of gaming is carried on.

52nd. Purity of Milk. The commission shall provide for and regulate the sale of milk and provide for the purity of the milk supply and the inspection of milk, meat, poultry, fish and other foodstuffs and supplies.

53rd. Hospitals and Public Health. To provide for the health of the inhabitants of the city, make regulations to secure the same and prevent the introduction or spreading of contagious or infectious diseases; establish one or more contagious or infectious disease hospitals, and may compel persons sick with infectious or contagious diseases to be confined and treated in such hospitals.

54th. The commission may by ordinances provide for the things referred to herein, and may also provide penalties for the violation of any such ordinances, by-laws or regulations.

Sec. 4. Weights and Measures. The commission shall also provide by ordinance for the inspection, testing, and sealing of all scales, weights, meters and measures, and the inspection and testing the quality of gas used in the city, and may prescribe the fees of such inspection and testing; may fix the penalties for using scales, weights, meters and measures without such testing and sealing, or refusing to have the same tested and sealed, as provided by said ordinance, or for furnishing gas not up to the standard or as represented.

The inspection above provided for shall be under the Department of Public Health and Safety, acting through the police department. The department may detail a policeman or make it the duty of all policemen to make inspections as provided above at such time or times and in the manner provided by ordinance. The commission shall provide the department the necessary test scales, measures and apparatus to make tests and inspections.

Sec. 5. Employ Experts. The commission may employ experts to inspect and test and aid the police department in making tests of the gas, electric lights, meters, scales, weights and measures as often and

at such times as the Department of Public Health and Safety may request, or whenever it deems the same necessary for the protection of the citizens and in aid of the police department.

Sec. 6. Punishment. The commission is also authorized to enact an ordinance to punish any person using false scale, weight, meters or measure, or selling any commodity of less weight or measure than that ordered, or any gas light of a quality not of the well-established standard or quality, or what it is represented to be by the seller.

CHAPTER 11.

INITIATIVE AND REFERENDUM.

Section 1. Initiative. Any proposed ordinance may be submitted to the commission by petition signed by qualified electors of the city and filed with the clerk.

Sec. 2. Petition of 20 Per Cent Special Election. Upon the filing of a petition accompanying a proposed ordinance, purporting to be signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for all candidates for mayor or for commissioner for full term at the last preceding election, and containing a request that said proposed ordinance be submitted to a vote of the people, the city clerk shall within five days ascertain and certify its number of qualified signers. If such certificate shows the required number of such signers, the commission shall within twenty days thereafter, either

(a) Pass said ordinance without alteration, subject to the referendum of this Charter, or

(b) Call a special election, to be held within thirty days, unless a general or special municipal election is to be held within ninety days thereafter, and at such election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the city.

Sec. 3. Petition of 5 Per Cent General Election. If a petition proposing an ordinance signed by qualified electors equal in number to at least five per centum, but less than twenty per centum of the entire vote cast for all candidates for mayor or commissioner for full term, at the last preceding general election, shall be filed with the clerk thirty days before any regular municipal election, then such proposed ordinance, without alterations, shall be submitted by the commission to electoral vote at such election, provided the clerk shall have ascertained and certified the sufficiency of the petition accompanying such ordinance.

Sec. 4. Referendum on Protest. No ordinance passed by the commission, except when otherwise required by the general laws of the state or by the provisions of this Charter, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency (but no grant of any franchise shall be construed to be an urgency measure, and all franchises shall be subject to the referendum vote herein provided for), shall take effect before

thirty days after its final passage and final publication. If, within said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per centum of the entire vote cast for all candidates for mayor or commissioner for full term at the last preceding general election, be presented to the commission, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect. The commission shall immediately reconsider such ordinance, and if the same be not entirely repealed, the commission shall submit it, by the method provided in this Charter, to a vote of the qualified electors of the city, either at the next general municipal election or at a special election which may in its discretion be called by it for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election, shall vote in favor thereof.

Sec. 5. Commission May Refer. The commission may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this article for submission or petition. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

Sec. 6. Ordinance Must Be Published. Whenever any proposed ordinance shall be submitted to the voters of the city at any election, the commission shall cause it to be published in a daily or weekly newspaper published in the city, once in each week for three successive weeks immediately preceding such election.

Sec. 7. Form of Ballot. The ballots used when voting upon such proposed or referred ordinance shall state the nature of the ordinance in terms sufficient to identify it, and on separate lines the words "For the Ordinance" and "Against the Ordinance", with appropriate spaces prepared in which the voter may express his choice. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city and shall take effect as provided in this Charter.

Sec. 8. Provision shall be made on a single ballot for voting upon all proposed ordinances submitted at any election.

Sec. 9. There shall not be held under this chapter more than one special election in any period of six months.

Sec. 10. Any ordinance adopted under this Charter by electoral vote cannot be repealed or amended except by electoral vote.

Sec. 11. The commission may, by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this chapter.

Sec. 12. May Submit Other Questions. At any special election called under the provisions of this chapter there shall be no bar to the submission of other questions to the vote of the electors in addition to

the ordinances or measures herein provided for, if said other questions are such as may otherwise legally be submitted at such election.

CHAPTER 12.

PROOF OF BY-LAWS AND ORDINANCES AND PROCESS AGAINST THE CITY.

Section 1. **Publication of Ordinance.** No by-laws or ordinances shall be of any effect until the same shall have been published at least once in each week, for two successive weeks, in at least one daily newspaper printed and published in said city, unless otherwise directed by the affirmative votes of four members of the commission at the time of its passage.

Sec. 2. **Proof of Ordinances and Proceedings.** All by-laws, ordinances and proceedings of the commission may be read in evidence in all courts of justice and in all proceedings before any officers, body or board in which it shall be necessary to refer to the same, either,

First, from a record thereof, kept by the clerk; or

Second, from a copy thereof, certified by the clerk with the seal of the city affixed thereto, or,

Third, from any volume of by-laws or ordinances purporting to have been printed by the authority of the commission, and such record, certified copy, or printed volume, shall be prima facie evidence of such by-laws, ordinances and proceedings, without other proof of the enactment thereof, publishing, or any other thing concerning the same.

Sec. 3. **Process Against City.** All process issued against the city shall run against the city in the corporate name thereof, and such process shall be served by exhibiting the original and leaving a true and certified copy thereof with the mayor or clerk of said city. All suits and proceedings heretofore instituted or commenced by or against the City of Marquette, and pending, shall be prosecuted to the end thereof, the same as though this Charter had not been passed.

CHAPTER 13.

APPOINTIVE OFFICERS.

Section 1. **Appointive Officers.** The commission shall have power, and it shall be its duty, to appoint a clerk, treasurer, city attorney, assessor and health officer, and as many assistants as it deems necessary, and employes whose appointments are not herein provided for, who, except as herein provided, shall serve during the pleasure of the commission as the commission may from time to time deem necessary to carry into effect the powers and duties in this Charter conferred.

Treasurer and Recorder Continue in Office. Provided, however, that the treasurer, whose term of office for which he was elected has not expired at the time this Charter shall go into effect, shall continue to hold office and perform the duties of treasurer under this Charter until the term for which he was elected shall expire, and the recorder likewise

shall be continued in office as and under the title of city clerk until the expiration of the time for which he was elected recorder, and the first appointments by the commission to fill the offices named shall be at the expiration of their respective terms.

Sec. 2. Salary. Each of the above named elective officers shall receive and be continued at the same salary or other compensation as was paid them when this Charter went into effect, and the same shall not be increased or decreased during the term for which they were elected.

Term of Office. They shall each hold their office until their successors are appointed and have qualified, and they shall severally be under the control and direction of the commission through departments designated in this Charter and the commission.

Sec. 3. Removal from Office and Discontinuance of Office. The commission shall have power to suspend or remove from office at any time any of the officers or employes appointed by it whose term of office is not herein limited as to time of expiration, and may discontinue the office by a vote of a majority of the members.

Sec. 4. Removal of Elective and Appointive Officers. Any member of the commission, including the mayor and any appointive officer appointed for a definite period by the commission, and also the constables, may be removed from office by a concurring vote of four members of the commission upon complaint made in writing by the mayor, or any commissioner, or by twenty-five electors. Said complaint must be sworn to by the mayor, or commissioner, or by at least two of the electors making the same, and must set forth specifically one of the following causes, giving the act, date and place:

(A). **Cause for Removal.** Conviction by a court of competent jurisdiction of any offense under the laws of the State of Michigan.

(B). Habitual drunkenness.

(C). Incompetency to perform the duties of his office.

(D). Wilful neglect of duty.

(E). Corrupt or wilful malfeasance or misfeasance in office.

Charges to Be Served. A copy of the complaint and charges, giving full information as to the offense charged, shall be served upon the officer, and time shall be given for a defense. The time and place of hearing shall be fixed by the commission, and notice of the same shall be given with the copy of the complaint.

Sec. 5. Suspension of any appointive officer may be made by the commission. There shall be but one suspension for the same offense and the same shall not be for a longer period than thirty days.

Sec. 6. Commission May Add Duties and Consolidate. The enumeration in this Charter of the duties of any appointive officer shall not be construed as limiting the power of the commission to impose upon and obligate him to do and perform other duties not inconsistent with this Charter. The commission at any time may add to, change or take away any of his duties and may consolidate and place in charge of one of the other officers the functions and duties of two or more offices.

Sec. 7. **Issue Subpoenas.** To enable the commission to investigate charges against city officials, or make investigations in this Charter provided for, or investigations in any other matters or things it desires to investigate, the mayor or any justice of the peace is empowered to, and shall at the request of the commission, issue subpoenas or process by warrant, to compel the attendance of witnesses and the production of books, papers and other evidence before the commission or any committee thereof, or the accountant herein before provided for.

Sec. 8. **Administer Oaths.** Witnesses so subpoenaed or brought before the commission or any committee appointed to investigate, or before the accountant, may be sworn by the presiding officer of the commission, or the chairman of such committee, or said accountant, each of whom are empowered to administer the necessary oath; and the commission or committee or said accountant shall have the same power to compel the witnesses to testify as is conferred on courts or justices of the peace.

CHAPTER 14.

POWERS AND DUTIES OF THE CLERK AND TREASURER.

Section 1. **Clerk. Duties. Same Duties as Township Clerk.** The clerk's office shall be under the direction of the Department of Public Affairs. The clerk of said city shall, in addition to the other duties imposed upon him by this Charter, keep the corporate seal and all papers filed in or pertaining to his office. He shall make and preserve a record of all ordinances and by-laws passed by the commission in proper books to be provided therefor, which books shall contain a copy of all ordinances and by-laws and shall be indexed as to each ordinance by the title thereof, and which ordinances and by-laws shall be entered in said book as soon after their passage as possible; he shall copy the Charter of said city and amendments thereto, and all acts and parts of acts of the legislature relative to said city, each in their chronological order, as near as may be, and properly index the same in a book provided for that purpose, and when requested so to do, upon the payment of the fees to be paid county clerks in such cases, shall duly certify, under the corporate seal, copies of any Charter, any ordinances or of the records of the commission and of all papers duly filed in his office, which shall be received as evidence in all courts and places of the matters therein contained; provided, that where any book or record of any charter, acts of the legislature in reference to said city or ordinance or by-law heretofore passed by the common council of the city has been made and indexed as above provided, and at the time of the going into effect of this Charter is in the custody of the recorder or clerk of the city, such shall continue to be a record of the same. He shall perform all such duties as are or may be required of township clerks in all cases in which he is authorized or required by the laws of this state or by this Charter, to act; and for such services he shall collect the same fees as charged under the laws of this state by township clerks. He is also hereby authorized and empowered to administer oaths and take affida-

vits in connection with his duties as clerk and also with relation to city affairs.

Sec. 2. Report Proceedings. Publication of Same. Provide for Election. It shall also be the duty of the clerk to attend all meetings of the commission and keep a fair and accurate report of their proceedings, which shall be published in one daily paper published in said city, to be designated by the commission, and in case of the absence of the clerk, the commission may appoint one of their own number clerk pro tempore. He shall issue all licenses and collect all license fees, and on the fifteenth and thirtieth days of each month make settlement with the justices of the peace and report the same to the treasurer. He shall provide books, tickets, blanks and ballots and procure places for holding election and provide all other things necessary for the proper conducting of elections as required by this Charter and by the statutes.

Sec. 3. Purchasing Agent. The clerk shall, under the direction of the commission, unless otherwise provided by the commission, act as the purchasing agent of the city, and shall make report to the commission as to things purchased, the price and from whom purchased.

Sec. 4. Turn Over Money to Treasurer. All moneys collected by him for license fees, fines, copying records, filing papers, or from any other source, shall be the property of the city and turned over by him to the city treasurer weekly with a full and detailed statement of the same, showing from whom received and for what purpose, and a duplicate report thereof shall be made by him to the commission.

Sec. 5. Other Duties. The said clerk shall do and perform such other duties as shall be imposed upon him by the provisions of this Charter and the ordinances of said city and resolutions or orders of the commission that may from time to time be adopted.

Sec. 6. Term of Office. His term of office shall be during the pleasure of the commission and until his successor is appointed and qualified.

Sec. 7. Certify Taxes. Immediately after the commission shall have ordered the levy of any taxes, the clerk shall certify to the assessor of said city the amounts thereof, and the purposes for which the same is to be collected.

CHAPTER 15.

POWERS AND DUTIES OF CITY TREASURER.

Section 1. Duties of Treasurer. Render Account. Collect All Taxes. The treasurer's office shall be under the Department of Accounts and Finance. The treasurer of said city shall have the custody of all the money and evidences of indebtedness belonging to the city; he shall receive all moneys belonging to, and receivable by the corporation, and keep an accurate account of the receipts and disbursements thereof; he shall pay no money out of the treasury except on claims presented to and allowed by the commission, and upon a warrant signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of

and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of each fund endorsed thereon by the clerk, and from no other or different fund. He shall exhibit to the commission annually, and as often and for such periods as may be required by the commission, a full and detailed account of all receipts and disbursements since the date of his last annual report, classifying them by the fund to which such receipts are credited and out of which such disbursements are made; and shall annually exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the clerk; he shall also collect all city taxes imposed by the commission, in the manner provided by this Charter and the resolutions and ordinances in relation thereto; it shall also be his duty, and he is hereby directed and authorized to perform the same duties in relation to the collection and return of taxes for state, county and school purposes assessed and levied within said city as is or shall be required of township treasurers; and shall perform his duties in the same manner and under the same liabilities as are imposed by law upon township treasurers, and shall in all matters be subject to the rules and instructions of the commission, except as his duties may be governed by this Charter or the general laws.

Sec. 2. Fees for Collection. All fees for collection of taxes shall belong to the city, and be accounted for by the treasurer.

Sec. 3. Term of Office. His term of office shall be during the pleasure of the commission and until his successor is appointed and qualified.

CHAPTER 16.

ASSESSOR.

Section 1. Assessor. The assessor's office is hereby declared to be under the Department of Accounts and Finance.

Assistant Assessors. The commission may appoint an assistant if it shall deem necessary to perform the work of the office. The assessor shall be the accountant and chief auditing officer of the city.

Sec. 2. Same Duty as Supervisors. Make Assessments for Many Purposes. Sign Warrants to Treasurer. All Duties Under Statute. The assessor is hereby authorized and required to perform the same duties that the supervisors of townships under the general laws of the state are required to perform in relation to the assessing of property and levying of taxes, for state, county, school and city purposes, and shall make, assess and levy assessments for pavements, sidewalks, curbing, water pipes and laying of the same and their connections, sewers and connections, and any and all other assessments that shall be ordered by the commission and provided for in this Charter, and shall issue warrants which shall be signed by him, the said assessor, and by the mayor or acting mayor, and sealed with the seal of said city, to the treasurer of said city for the collection of all taxes so assessed, in the

same manner, as near as may be, unless otherwise provided herein, as the supervisors of townships issue warrants to the township treasurer for the collection of township taxes. He shall perform all other duties that may be prescribed by the statutes for supervisors to do and perform, except such duties as are specifically assigned by this Charter to the office of supervisors herein provided for, and shall do and perform all the duties prescribed in this Charter or by the commission.

Sec. 3. Taxes Under General Law. The city assessor shall in each year, on or before the second Monday in March, assess the property in said city liable to taxation under the general laws of this state now or hereafter in force, for state, county and school purposes, and he shall, for the purpose of such assessment, exercise and have the same powers in making said assessment and assessment roll as are or may be given to supervisors of townships by the general tax laws of the state, and in addition thereto such other powers with reference to assessments as are herein provided.

Sec. 4. Term of Office. Assistant Assessor. His term of office shall be during the pleasure of the commission and until his successor is appointed and qualified. In his absence from duty an assistant designated by the commission shall perform all the duties of assessor.

CHAPTER 17.

CITY ATTORNEY.

Section 1. City Attorney. The city attorney's office is hereby declared to be under the Department of Public Affairs.

Sec. 2. Qualifications. The city attorney must be an attorney qualified to practice in all of the courts of this state and a resident of the City of Marquette for three years next preceding his appointment. He shall prosecute and defend for the city all actions at law or in equity and all special proceedings for or against the city, and shall represent the city in all other actions or proceedings in which the rights of the city are concerned; and whenever any cause of action in law or in equity or by special proceedings exist in favor of the city he shall commence the same when directed to do so by the commission.

Give Advice. He shall give legal advice, and when asked the same shall be in writing to the mayor, any commissioner or any officers named in this Charter, upon questions arising in the several departments or involving the rights and liabilities of the city.

Contracts. The form of and legality of all contracts made by the city or by any officer for said city shall be submitted to and passed upon by the city attorney before execution, and he shall, when requested, prepare the same.

Draw Ordinances. Ordinances to Be Submitted to Him. When directed by the commission or by any of its members, he shall prepare ordinances, and unless the commission otherwise directs, all ordinances shall be submitted to him before the final passage thereof.

File Opinions. Clerk Copy. He shall file with the clerk all written

opinions made by him, and the clerk shall paste or transcribe them in a book kept for that purpose and properly index the same for ready reference, and said attorney shall do such other things in connection with his office as may from time to time be required by the commission.

Other Attorneys. The commission may employ other attorneys whenever necessary.

Sec. 3. Term of Office. The term of office shall be during the pleasure of the commission and until his successor is appointed and qualified.

CHAPTER 18.

Department of Public Works.

STREETS.

Section 1. Streets. The commission, through the Department of Public Works, shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, sewers, gutters, crosswalks, playgrounds, parks, public buildings, Park cemetery and other public grounds within the city, and shall have power to construct, re-construct and maintain the same and cause the same to be kept free from obstruction and nuisances.

Sec. 2. Notice of Injury. The city shall not be liable to respond for damages for any injury to person or property occasioned by any defect, or alleged defect, in any public street, main, alley, park, walk, public space, public building or public grounds within said city unless the person claiming said damages shall within ten days next after such injury give written notice thereof to the mayor, city clerk, or city attorney, giving the time, place, cause and manner of such injury and the facts connected therewith, and the names of the witnesses, if any were present when such injury was received, and shall also, within ninety days next after such injury, present to the city clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the commission.

Sec. 3. Hearing. Such claim shall be presented to the commission at its next regular meeting and the commission shall thereupon proceed to an investigation thereof, and in such investigation may, in its discretion, order that proofs be taken in regard to such claim, which proofs shall be taken as nearly as practicable in the manner provided by law for the taking of testimony by deposition in judicial proceedings, or in such other manner as the commission shall direct, which proofs, when taken, shall be filed with the clerk. The claimant shall within thirty days after publication of the minutes of the session of the commission at which it ordered the taking of proofs on said claim, or within such further time as the commission may allow, proceed to take evidence in support of his claim in the same manner as that adopted by the commission, and shall diligently prosecute the same. Such claimant may give his testimony in relation to said claim, and if the injury shall be

to his person shall submit himself to reasonable physical examination by such registered physicians and surgeons as shall be designated by the commission, and in case of injury to property shall exhibit to the commission, or to such persons as the commission shall designate, the injured property, and any neglect or refusal so to do, or to do anything herein required of him, shall be deemed a waiver and abandonment of his claim.

Sec. 4. Appeal Court's Only Jurisdiction. No court shall have jurisdiction of any such claim except upon appeal as hereinafter provided.

Sec. 5. Appeal. In case any such claim shall be disallowed by the commission and the claimant shall not be content therewith, or shall not be content with the amount awarded or tendered him in settlement thereof, such claimant shall within ten days after notice of the action of the commission upon said claim file with the city clerk a notice of his intention to appeal from said determination, and shall within sixty days next thereafter cause a transcript of such claim, together with a certified copy of the minutes of the action of the commission relative to such claim, to be filed in the office of the clerk of the circuit court for the County of Marquette, in the form and manner of appeals from the justices of the peace now filed, and it is hereby made the duty of the city clerk to make such certified copy for such appellant without charge therefor.

Sec. 6. Appeal Bond. Before filing such appeal, the clerk of said county shall require the appellant to execute and file a bond in the sum of three hundred dollars, with one or more sureties, to be approved by the clerk, conditioned for the payment of all costs adjudged against the appellant in said action, which bond shall be filed in said cause; provided, however, that in case the appellant shall make affidavit that by reason of poverty such appellant is not able to furnish such security, such bond shall not be required except upon motion and showing made to the judge of said circuit court that the appellant is able to furnish such security.

Sec. 7. Notice of Appeal and Practice in Circuit Court. The appellant shall upon filing said appeal cause notice thereof to be served upon the city attorney, and after such notice the said cause shall be proceeded in in the same manner as prescribed by law and the rules of practice in suits commenced by summons; provided, however, that the appellant shall not be permitted to state in his declaration any other or different cause of action than that set forth in his notice of injury and statement of claim required by Section 2 hereof to be filed with the clerk.

Sec. 8. May Open or Close Streets. Special Assessments. The commission shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to use or take private property, the same may be taken in the manner provided by the general laws of the state for taking private property for public use. The expense of such im-

provement may be paid by special assessments upon the property benefited by such improvement, in the manner in this Charter provided for levying and collecting special assessments; or, in the discretion of the commission, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general fund.

Sec. 9. Hearings on Question of Vacating Street. When the commission shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting in one of the newspapers of the city; provided that no street or public place leading to a water front shall be vacated unless approved by three-fifths of the electors voting thereon at a special or general election.

Sec. 10. Record of Action. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall be recorded in a book of street records, and the record shall be prima facie evidence of all the matters therein set forth.

Sec. 11. May Establish or Change Grades. The commission shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the city, and may change or alter the grade of any street, alley or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk, and it shall be the duty of the clerk to make such record.

Sec. 12. Abutting Property Not Liable for Expense of Re-Grading Street. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by, or abutting upon, such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, alley or public highway, but the expense of all improvements occasioned by such change of grade shall be chargeable to and be paid by the city.

Sec. 13. Compensation to Owner of Abutting Property Damaged by Change of Grade. Whenever the grade of any street or sidewalk shall have been heretofore, or shall hereafter, be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided by the general laws of the state, or said damages may be ascertained and agreed upon by and between such city and the owner or occupant

of such premises. Whenever such damage shall be ascertained or agreed upon as heretofore provided, such damages, or such part thereof as the commission shall deem equitable and just, shall be paid by the city, or the commission may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the commission shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in said city which, in its judgment, is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the real estate in said district in proportion as nearly as may be to the advantage or benefit each lot, parcel or sub-division is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected, in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this Charter, and all the provisions of this Charter relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, and when determined by said city, shall be paid to the person entitled thereto.

Sec. 14. Special Assessment. Such part of the expense of improving any street, lane or alley, by grading, paving, planking, curbing, or otherwise, and of repairing the same, as the commission shall determine, and keeping the same free from dust and nuisance, may be paid from the general fund, or the whole or such part of the expense of such improvement as the commission shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of such lands as in the opinion of the commission will be benefited by the improvement.

Sec. 15. Shade Trees. The commission may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof.

Sec. 16. Property Beyond City Limits. When the commission shall deem it for the public interest, grounds and buildings for necessary public uses may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the commission shall have authority to enforce, beyond the city limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in any building maintained upon said property.

Sec. 17. Sidewalks. The commission shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. It shall have power to build, maintain and keep in repair sidewalks and cross-

walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

Sec. 18. May Compel Owners to Maintain Sidewalks. The commission shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades and of such width, materials and manner of construction, and within such time as the commission shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant, or the commission may pay such part of the expense of building or rebuilding such walk as they may deem proper.

Sec. 19. Special Assessment for Sidewalks. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the commission in respect to such sidewalks, within such time and in such manner as the commission shall require, the commission may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the commission shall have determined, shall be charged to such owner or occupant, and the commission may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, to be reported to the assessor, to be levied by him as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided for by this Charter, and such tax when confirmed shall be a lien upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

SEWERS AND DRAINS.

Sec. 20. Sewer System. The commission shall maintain, improve and extend the present sewer system of the city as need therefor shall arise and shall build new sewers and drains whenever and wherever necessary, and all such maintenance, improvement and construction shall be in such dimensions and materials and under such regulations as the commission may deem suitable for the proper drainage of the city. Private property, or the use thereof, may be taken therefor in the manner prescribed in this Charter for taking private property for public use. But in all cases when the commission shall deem it practicable, such sewers and drains shall be constructed in public streets and grounds.

Sec. 21. The commission shall devise and cause to be prepared and filed in the office of the city clerk plats and diagrams of all such new

sewer construction showing its connection, if any, with the present sewerage system of the city, and like plats and diagrams of all extensions and improvements added to the present system.

Section 22. The commission may in its discretion from time to time divide the city into main or trunk sewer districts to enable it to equitably and justly distribute the cost of the construction of such sewers, which cost may in the discretion of the commission be paid wholly out of the general fund, or partially, but not less than one-sixth thereof, out of the general fund, and the balance by special assessment upon the property benefited thereby.

Sec. 23. Before proceeding to the construction of any main or trunk sewer, a portion or the whole of the cost of which is to be defrayed by assessment on the property benefited thereby, the commission shall cause to be prepared a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and sub-divisions thereof in the district and the proposed route and location of the sewer, the depth, grade and dimensions thereof, and shall procure and attach to said diagram an estimate of the cost of such sewer and a statement of the proportion thereof to be raised by special assessment upon the private property in said district; and thereupon the commission shall give notice by publication for at least four weeks in one of the daily newspapers of the city of the intention to construct such sewer and to defray the whole or a portion of the cost thereof upon the private property benefited thereby, and also give notice where said diagram may be found for examination and of the time when the commission will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Sec. 24. **Sewer District and Special Assessment.** When the commission shall determine to construct any such main or trunk sewer, it shall so declare by resolution, designating the district and describing by reference to the diagram and plat thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general fund, and what part shall be defrayed by special assessment according to benefits; and it shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records.

Sec. 25. **Petition by Owners for Sewer.** Whenever the owners of a majority of the lands liable to assessment for the construction of any sewer in any portion of the city shall petition for the construction of a sewer therein, the commission shall construct a sewer in such locality and defray the cost thereof by special assessment upon the property benefited thereby. In all other cases sewers shall be constructed and the cost thereof defrayed by special assessment upon the property benefited thereby in the discretion of the commission.

Sec. 26. **Special Assessment.** Special assessments for the construction of sewers shall be made by the assessor in the manner provided in this Charter for making special assessments. But such assessments

shall be made according to special benefits to property assessed without reference to any improvements or buildings thereon.

Sec. 27. Private Drains. Whenever the commission shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the commission may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner herein provided for the levying and collecting of special assessments.

Sec. 28. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the commission shall prescribe.

Sec. 29. Toll for Private Drains. The city may charge and collect annually from persons whose premises are connected by private drains with the public drains, such reasonable sum, not exceeding ten dollars per year, as it may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises and may be collected by special assessment thereon, or otherwise.

Sec. 30. Special Assessment. Such part of the expenses of providing ditches and improving water courses as the commission shall determine may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Sec. 31. Public Sewers Public Expense. The expense of repairing public sewers, ditches and water courses may be paid from the general fund.

Sec. 32. Ordinances. The commission may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage in the city.

Sec. 33. Sewer Bonds. If the commission shall have determined to construct any main or trunk sewer, and if it shall be necessary for the city to borrow money for the payment of the amount determined by the commission to be paid from the general fund toward the construction of such sewer, then before any further proceedings are had looking toward the construction of such sewer, the commission shall cause to be made and recorded in their proceedings an estimate of the amount necessary to be borrowed for such purpose, and the question of borrowing such amount shall be submitted to the qualified taxpayers of the city at its next annual election or at a special election called for that purpose by the commission, as provided in this Charter.

Sec. 34. **Plumbers' Licenses.** The Department of Public Works may grant licenses to those engaged in making connection with public sewers, charging such fees and making such regulations as the commission or the Department of Public Works may prescribe.

CHAPTER 19.

WATER SUPPLY.

Section 1. **Manage Plant.** The commission, through the Department of Water, shall maintain, conduct and control the present water works and system of this city; and shall improve and extend the same as need therefor shall arise to enable it to furnish an adequate supply of pure water for domestic use and for fire protection. The commission shall also make all such ordinances, rules and regulations as may be needed for the safe, economical and efficient management thereof.

Sec. 2. **Rates.** The commission shall by ordinance establish a uniform system of rates for the use of water consumers, make such rules and regulations for the use of water as may be deemed expedient, and provide the manner in which the owners or occupants of all property may be compelled to pay all charges for water furnished upon such property.

Sec. 3. **No Discrimination.** No person, firm, corporation, or association shall be allowed free use of water, nor shall there be discrimination among water users, and rebates shall never be allowed to any person, firm or corporation, except a uniform discount as an inducement for prompt payment of water rates.

CHAPTER 20.

LIGHT AND POWER.

Section 1. **Manage Plant.** The commission, through the Department of Light and Power, shall maintain, conduct and control the present electric generating and distributing plant of this city, and shall improve and extend the same as need therefor shall arise to enable it to furnish the city and its inhabitants with an adequate supply of electric current for light and power. The commission shall also make all such ordinances, rules and regulations as may be needed for the safe, economical and efficient management thereof.

Sec. 2. **Rates.** The commission shall by ordinance establish a uniform system of rates to be charged to the users of electric current, making such rules and regulations governing such use as may be deemed expedient, and provide the manner in which the owners or occupants of all property may be compelled to pay all charges for electric current furnished upon such property.

Sec. 3. **No Discrimination.** No person, firm, corporation, or association, shall be allowed free use of electric current, nor shall there be discrimination among the users thereof, and no rebates shall be allowed to any person, firm or corporation, except a uniform discount as an inducement for prompt payment of the usual rates.

CHAPTER 21.

CHIEF OF POLICE AND POLICEMEN.

Section 1. Police Officers. The chief of police and policemen shall be under the immediate direction of the Department of Public Health and Safety, and the chief of police and policemen and constables of the city, and each of them, shall be police officers of said city.

Sec. 2. Power of Commission. The commission shall assume and exercise through the Department of Public Health and Safety, the entire control of the police force of the City of Marquette, and shall possess full power and authority over the police organization, government, designation of titles and discipline. The Department of Public Health and Safety shall have the custody and control of all public property, books, records and equipment belonging to the present police commission, and shall provide such number of policemen, with or without pay, as to it shall be deemed necessary. Provided, however, that nothing in this section contained shall be held to abridge or annul the powers of the mayor as the chief executive officer of the city as in this Charter prescribed.

Sec. 3. Police Force. The police force shall consist of a chief of police and such number of policemen as shall be deemed necessary.

Sec. 4. Without Pay. The commission can appoint policemen without pay to act at hotels, school buildings and grounds, factories and grounds and public places and parks.

Sec. 5. Qualification. No person shall be appointed as policeman or police official with pay, who is not a citizen of the United States.

Sec. 6. Take Oath. Duties. All members of the police force shall, before entering upon the duties of their office, make and file with the city clerk the constitutional oath according to law, and thereupon they shall possess all the common and statutory powers of constables and sheriffs, except for the service of civil process; they shall have the power to serve any subpoenas, warrants, orders, notices, papers or process issued or directed by any justice of the peace or court in criminal cases in the State of Michigan, in the execution of the laws of this state for the prevention of crimes or the punishment of offenders; it shall be their duty to serve all summons, subpoenas, warrants, commitments, notices, orders, papers, processes whatever by the several justices' courts of said city, in all cases brought for the violation of the city ordinances and in all civil cases wherein said city is a party, and shall attend upon the several justices' court of said city whenever said court is engaged in the trial of criminal or civil cases wherein said city is party or interested, whenever directed so to do by the mayor, city attorney, commissioner at head of Department of Public Health and Safety or chief of police, and shall serve under the direction of chief of police, all notices and papers required to be served by the commission, mayor, any commissioner, clerk or health officer, and under the direction of the city clerk post all registration and election notices, make provisions for election booths and the proper care of and equipment of the same.

Sec. 7. Duties. The chief of police and the officers and policemen under him shall serve all processes that may be delivered to him or either of them for service; see that all of the by-laws and ordinances of the commission are promptly and efficiently enforced; he and each of them shall obey all the lawful orders of the commission, the mayor or the commissioner of Public Health and Safety; may command the aid and assistance of all constables or other persons in the discharge of the duties imposed on them, or either of them, by the laws of the state or by the ordinances of the city, and each of them shall be peace officer; and each of them shall have power and authority and it shall be his duty with or without process, to apprehend any person disturbing the peace, or offending against any of the by-laws or ordinances of the city, and forthwith to take such person before any justice of the peace of said city, to be dealt with as the laws of the state or as the Charter or ordinances of the City of Marquette shall provide; and may apprehend and imprison any person found drunk in any street, lane, alley, park or public place in said city, until such person shall become sober; and each shall be and is hereby authorized to command the assistance in the discharge of such duties, of any person, if by him deemed necessary, and the said chief of police, police officials or policemen shall perform all duties that may be required of him or of either of said police officials or policemen, or either of them, by the by-laws, resolutions or ordinances passed by the commission, and shall carry out the orders of the mayor and commissioner of the Department of Public Health and Safety.

Sec. 8. Right to Arrest. When any person has committed or is suspected of having committed any crime or misdemeanor within the city, or has escaped from any city prison, or custody of any policeman, the police officers of the city shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county.

Sec. 9. Must Give Notice of Resignation. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof in writing to the chief of police, and no person who shall withdraw or resign without giving such notice, or who shall have been removed from the police force for cause, shall be appointed to any office or employment in the said city, except on unanimous vote of the commission.

Sec. 10. The commission shall require and make suitable provisions concerning security to be entered into by the chief of police, and said commission in their discretion, may require security from any member of the force, conditional for the performance of duty, involving the care and disposition of property.

CHAPTER 22.

FIRE DEPARTMENT.

Section 1. **Fire Department.** The Fire Department shall be under the immediate direction and control of the Department of Public Health and Safety.

Sec. 2. **Commission to Appoint.** The Fire Department shall consist of a chief, who shall be fire warden and building inspector, and such number of other officers and firemen as is deemed necessary, and the commission shall make rules and regulations for their government and fix their rate of pay.

Sec. 3. **Control at Fires.** The chief of the Fire Department, and in his absence the assistant chief, at fires shall be in chief control, and may call on the chief of police and policemen to render any assistance that he may require, and shall have all the power and authority of police officers.

CHAPTER 23.

HEALTH OFFICER.

Section 1. **Health Officer.** The health officer shall be appointed by the commission, and is under the Department of Public Health and Safety.

Sec. 2. **Qualifications.** He must be a registered physician under the laws of the State of Michigan.

Sec. 3. **Power.** He shall make monthly reports to the commission, and perform such duties and have such powers as may be given him by the laws of the State of Michigan and by the ordinances of this city or by the resolutions of the commission.

Sec. 4. **Board of Health.** The commission, the health officer and chief of police shall constitute the board of health. The commissioner over the Department of Public Health and Safety shall be chairman thereof.

Sec. 5. **Term of Office.** The term of office of the health officer shall be during the pleasure of the commission and until his successor is appointed and qualified.

CHAPTER 24.

CITY MARKET.

Section 1. The commission, through the Department of Public Health and Safety, may maintain a city market, appoint a market master and prescribe his duties, and make rules and regulations for the vending of fish, meats, vegetables, fruits, wood, hay, straw, coal or other articles, and provide fees for the right to expose their wares, and may compel all vendors or persons doing business in the city to have weighed on the city scales all products sold by the ton, or have measured all wood sold to the inhabitants of the city, and a ticket furnished by the market master stating the weight or measurement.

Sec. 2. The commission may by ordinance or resolution provide the hour for opening and closing of the same, and may require vendors to remain at the market place until a certain hour to give the inhabitants of the city a chance to purchase their wares, and after the hour fixed in the ordinance the vendor shall be free to dispose of his wares any place in the city.

CHAPTER 25.

POUNDS.

Section 1. The commission, through the Department of Public Health and Safety, may provide one or more pounds within the city, and may appoint a poundmaster or provide other means for the impounding of animals and fix fees for the same.

Sec. 2. All fees received for the impounding of animals or poultry shall be paid to the city treasurer and by him placed in the general fund of the city.

CHAPTER 26.

HARBORS.

Section 1. The commission, through the Department of Public Health and Safety, shall appoint a harbor master for the enforcement of all such ordinances or regulations as the commission may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings and basins within the city, and in respect to the navigation trade and commerce of the city, and prescribe the duties and powers of such harbor master.

CHAPTER 27.

LIBRARY.

Section 1. **Free Library.** The commission shall maintain the Peter White public library as a "free library"; and shall commit the management thereof, subject to the ordinances made by the commission, to three trustees, who shall serve without pay.

Sec. 2. **Property.** The building and grounds and all books, periodicals, papers, printed or other matter, and library furniture and fixtures now belonging to the Peter White Public Library, are hereby vested in the commission.

Sec. 3. **Must Maintain.** The commission shall annually raise by taxation a sum sufficient to maintain the said library, and all moneys received from fines or other sources shall be used for the maintenance of said library.

Sec. 4. **Bills Paid by Commission.** All bills shall be O. K'd by the said trustees before presentation to the commission for payment, and shall be audited and approved in the manner provided for payment of other bills against the city.

Sec. 5. **Annual Report.** Annually, in the month of December, said

board of trustees shall make to the commission a report showing the condition of the library and the manner in which all moneys received by it during the current year have been expended, and at the same time submit an estimate of their requirements for the ensuing fiscal year.

CHAPTER 28.

FINANCE AND TAXATION.

Section 1. Fiscal Year. The fiscal year of the city shall commence on the first day of January in each year.

Sec. 2. May Raise Money by Taxation. The commission of the city shall have authority within the limits herein prescribed to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this Charter granted.

Sec. 3. May Divide Into Funds. The revenues raised by general taxation upon all the property in the city, or by loan to be repaid by such tax, shall be divided into such and so many funds as the commission may by ordinance or resolution determine.

Sec. 4. Special Funds. Revenues and moneys raised by taxation in the special assessment districts in the city shall be divided into special assessment funds. The money raised by special assessment in any special assessment district for sewer, paving repairs or improvement of any kind, shall constitute a special fund for the purpose for which it was raised, and such fund shall be used for no other purpose whatever, and if there be a surplus after paying for such special improvement, it shall be returned pro rata to the property owners assessed.

Sec. 5. Limit of Tax Rate. The aggregate amount which the commission may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, shall not exceed in any year one and one-half per cent of the assessed value of all real and personal property in the city.

Sec. 6. Limit of Special Assessment Roll. In addition to the above amounts, the commission may raise by special assessment in a special assessment district, for the purpose of grading, paving, curbing and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year ten per cent on the assessed value of the property in a special assessment district, as shown by the last preceding assessment rolls of the city.

Sec. 7. Estimates by Departments. On or before the second Monday in March of each year the several departments of the city shall furnish to the Department of Accounts and Finance estimates in writing of the probable expenses and liabilities to be incurred in their sev-

eral departments for the current fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of their officers and employes. At the fourth regular meeting of the commission in the month of March in each year, the Department of Accounts and Finance shall certify to the commission the amounts so reported by the several departments of the city, and shall also certify to the commission the amount of money necessary to be raised by taxes during the current fiscal year to make payment of interest and to provide for all sinking funds, and shall report the principal of all the bonded indebtedness of the city, and shall also estimate the amount of revenue to the city during the current fiscal year from all sources other than from the tax levy.

Sec. 8. Estimate by Commission. From such estimates so furnished to it, the commission shall at its second regular meeting in the month of April in each year make estimates of all the expenditures which will be required to be made from the several general funds of the city during the current year, and for the payment of interest, sinking funds and indebtedness to fall due during the year.

Sec. 9. Same Must Be Published. The commission shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the prior year; also the amount or part of any special assessments which they require to be levied or to be re-assessed in the next general tax rolls of the city, upon lands in any main sewer, or special assessment district, or upon any parcel of lands, or against any particular person, as a special assessment. The amounts and the estimates provided in this and the preceding section shall be published in full in one or more newspapers published in the city, for at least one week before the meeting of the commission, at which the annual appropriation bill is passed, and opportunity given, by such notice, for public hearing upon said estimates.

Sec. 10. Annual Appropriation Bill. The commission shall also in said month of April pass the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the current fiscal year, payable from the several funds, as estimated and determined upon, as provided in section 9 of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy and to be paid into the several funds of the city; but the whole amount so ordered to be raised by tax shall not, except as herein otherwise provided, exceed the amount which the city is authorized by section 5 of this chapter to raise by general tax during the year. The commission shall specify in such bill the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, to each of the funds. The commission shall also designate in the appropriation bill, the sums, if any, required to be levied to meet any deficiency for the prior year, and the amount or part of any special assessment, or other sum which they require to be levied or reassessed as mentioned in section 9 of this

chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the current fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Sec. 11. Appropriations Spread Upon Tax Roll. All sums ordered in the annual appropriation bill in any year to be raised for the several funds, and all sums ordered in said bill to be levied or assessed as special assessments, shall forthwith be certified by the city clerk to the assessor and shall be levied and collected upon the assessed valuation of all taxable property, within the city, or upon the special assessment district as the case may be.

Sec. 12. No Expenditure Unless Provided in Appropriations. No improvement, work, repairs or expense, to be paid out of any fund (excepting as herein otherwise provided), shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made or liability be incurred, in any year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any fund for any purpose, unless appropriated for that purpose in said bill.

Sec. 13. No Improvement Exceeding \$1,000 Unless Provided in Appropriations. No work or improvement to be paid by special assessment costing more than one thousand dollars shall be ordered, commenced or contracted for, nor shall any assessment be levied therefor in any year, unless the intention to make such improvement or expenditure and to defray the cost thereof by special assessment, was set forth in the last preceding appropriation bill; provided, however, that this section shall not apply to any public improvement ordered by the commission upon a petition of the owners of a majority of the lands liable to be assessed for the improvement.

Sec. 14. No Public Work Until Tax Levied to Pay Cost. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made (except as herein otherwise provided), until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied or from the proceeds of bonds issued in anticipation of the collection of said tax.

Sec. 15. May Borrow on Tax Levies. The commission shall have authority to raise money by loan in anticipation of the receipts from special assessments for the purpose of defraying the cost of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work, nor shall such loan be negotiated and made until after the special assessment has been determined and levied.

Sec. 16. Funds Must Be Kept Distinct. All moneys and taxes raised, loaned or appropriated for the purpose of any particular fund shall be

paid into and credited to such fund, and shall be applied to the purpose for which such moneys were raised and received, and to none other. Moneys not received or appropriated for any particular fund shall be credited to the general fund, and moneys belonging to one fund shall not be transferred to any other fund.

Sec. 17. Money Warrants. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the commission and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

Sec. 18. No Contract Liability Until Appropriation Made. Contract Void Except in Case of Calamity. Neither the commission nor any officer or employe of the city shall have authority to make any contract involving the expenditure of public money, or impose upon the city any liability to pay money, until a definite amount of money shall have been appropriated for the payment of all pecuniary liability of the city under such contract in consequence thereof to mature during the period covered by the contract. Such contract shall be ab initio null and void as to the city for any other or future liability; provided, first, that nothing herein contained shall prevent the commission from providing for payment of any expense, the necessity of which is caused by any casualty, accident or public calamity arising after the passage of the annual appropriation ordinance and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessment for local improvements.

Sec. 19. Settlement at Close of Fiscal Year. Immediately upon the close of the fiscal year the commission shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts, also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms and for what purpose; also the items and amounts received from all sources during the year, classifying the expenditures for each purpose separately.

Statement of Financial Matters. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Sec. 20. Statement to Be Published. Said statement, signed by the mayor and city clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city.

Sec. 21. Taxes Due June 10. The taxes assessed in the general city tax roll, including the school taxes, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before the first day of August, of the same year, without any collection fee or additional charge. A charge of one per cent shall be added to all unpaid general city and school taxes on the second day of August, of the same year, and thereafter an additional charge of one per cent shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or charges, shall be made to the county treasurer. And the said county treasurer, or auditor general of the state, as the case may be, shall account to the city for all such accrued penalties or charges in excess of four per cent.

Sec. 22. Notice That Taxes Are Due June 15. The city treasurer shall give six days' notice by publishing in a daily newspaper published in said city, for the six secular days next preceding July 1st, which notice shall be a sufficient demand for the payment of all taxes on said rolls, and that the payment therein specified may be made to him at any time up to and including the first day of August without any collection fee therefor; provided, that an addition of one per cent shall be made thereto on the second day of August and on the first day of each month thereafter that the tax remains unpaid until return to the county treasurer by the city treasurer.

Provided, however, that the failure to give the notice specified in this section for the payment of such tax shall not invalidate the said tax, nor release the persons assessed from the penalty herein specified.

Sec. 23. Lien. The taxes so assessed shall be and remain a lien upon the lands upon which they are levied from July 1st, and a charge against the persons owning the property, as provided for in the general laws of the state.

Sec. 24. Spread State and County Taxes. During the month of November, the city assessor shall apportion and spread upon the tax rolls all state and county taxes, certified to him by the board of supervisors, or otherwise, and such other taxes as are legally required to be spread on the rolls.

Sec. 25. Treasurer's Warrant. On the first day of December in each year the assessor shall deliver said roll to the city treasurer with a warrant annexed thereto, signed by himself and the mayor, and directed to the treasurer, in all respects as near as may be similar to the warrants of township treasurers for the collection of state and county taxes.

Sec. 26. Notice That State Tax Due. Upon receiving said tax roll, as herein provided, the city treasurer shall give notice to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office at any time from the first day of December to and including the tenth day of January next ensuing, without any charge for collection, but that four per cent collection fee will be charged and collected upon all taxes remaining

unpaid on said tenth day of January. Said notice shall be given by publishing the same six successive times in a daily newspaper published in said city. But any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll or any measure thereafter to be taken to enforce collection of the taxes thereon.

Sec. 27. Collection Fees Belong to City. The fees and penalties for the collection of taxes provided for by this Charter, or by the general laws of the state, shall belong to the city.

Sec. 28. State Law Governs as to Delinquent Taxes. For the collection of all taxes remaining unpaid on the general tax roll on the first day of August and on the tenth day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the power and authority conferred by law upon township treasurers for such purposes. And it is hereby made mandatory upon the city treasurer to exhaust all legal remedies for the collection of unpaid personal tax before the return thereof.

Sec. 29. Treasurer Shall Pay School and County Moneys. The city treasurer shall within ten days after the expiration of the time limited in his warrant, or in case of extension of time for collecting such taxes, within ten days after such time has expired, pay over to the treasurer of the board of education the amount which by law is payable to him, and on the first day of March, or within ten days thereafter, shall pay to the treasurer of the board of education the balance which by law is payable to him, and the county treasurer the balance which by law is payable to him, and shall make his returns according to the general laws of the state relating to township treasurers, except as herein otherwise provided, and such general law shall govern in all things not herein otherwise provided for.

Sec. 30. Special Assessment. When any special assessment is to be made upon the lots and premises in any special district, the commission shall, by resolution, direct the same to be made by the assessor and shall state therein the amount to be assessed, according to benefit; and describe or designate an assessment district comprising the lands to be assessed.

Sec. 31. How Made. Upon receiving such orders and direction, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the owners, if known, chargeable with the assessment thereon; and shall levy thereon and against such property the amount to be assessed, in the manner directed by the commission and the provisions of this Charter, applicable to the assessment. In all cases where the ownership of any description is unknown to the assessor he shall in lieu of the name of the owner insert the name "unknown", and if by mistake or otherwise any person shall be improperly designated as the owner of any lot, or parcel of land or premises, or if the same shall be assessed without the name of the owner, or the name of a person other

than the owner, such assessment shall not for any such cause be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed be a lien on such lot, parcel of land or premises, and collected as in this Charter provided.

Sec. 32. The assessor shall assess upon each lot or parcel such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When he shall have completed the assessment roll he shall report the same to the commission; such report, to be signed by the assessor, may be in form of a certificate endorsed on the assessment roll, as follows:

State of Michigan, }
City of Marquette. } ss.

To the Commission of the City of Marquette:

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the commission of said city, adopted (give date) for the purpose of paying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert here the object of the assessment); that in making such assessment I have, as near as may be, and according to my best judgment, conformed in all things to the directions contained in the resolution of the commission herein before referred to, and the Charter of the city relating to such assessments.

Date
.....
Assessor.

Sec. 33. Single Parcel. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises, which, by the provision of this Charter, the commission is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the commissioner or other officer under whose direction the improvement was made, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the commission in such manner as it shall prescribe. And the provisions of the preceding sections of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvements, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

Sec. 34. The commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied

as a special assessment, and as often as the commission shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the city clerk to the assessor for assessment.

Sec. 35. Upon receiving the report mentioned in the preceding section, the assessor shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to him, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed he shall report the assessment to the commission, and all the several assessments shall be kept separate.

Sec. 36. Notice of Special Assessment. When any special assessment roll shall be reported by the assessor to the commission, as in this Charter directed, the same shall be filed in the office of the city clerk and numbered consecutively. Before adopting such assessment roll, the commission shall cause notice to be published two weeks at least in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the commission and assessor will meet to review said assessment. Any person objecting to the assessment may file his objection thereto in writing with the city clerk. The notice provided for in this section shall be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

Notice of Special Assessment.

To (insert the names of the persons against whom the assessment appears) and to all other persons interested, take notice: That the roll of the special assessment heretofore made by the assessor for the purpose of defraying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the commission and assessor of the City of Marquette will meet at the city hall in said city on (insert the day fixed upon) to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Date
.....
City Clerk.

Sec. 37. At the time and place appointed for the purpose as aforesaid, the commission and assessor shall meet, and there, or at some adjourned meeting, review the assessment roll, and shall hear any objection to any assessment which may be made by any person deeming himself aggrieved thereby, and the commission may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the

assessment back to the assessor for revision; or annul it and direct a new assessment, in which case the same proceedings shall be held as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall make an endorsement upon the roll showing the date of confirmation.

Sec. 38. Confirmation Conclusive. When any special assessment shall be confirmed by the commission, it shall be final and conclusive.

Sec. 39. Lien. All special assessments shall, from the date of the confirmation thereof, be due and constitute a debt due from the respective owners and a lien upon the several parcels so assessed until paid.

Sec. 40. Installments. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the commission shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the accrued interest thereon.

Sec. 41. Lien Shall Survive. No judgment or decree, nor any act of the commission invalidating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Sec. 42. Re-Assessment. In all cases of special assessments, of any kind against any property where any such assessments have failed to be valid in whole or in part, the commission shall be and it is hereby authorized to cause to be re-assessed such special taxes or assessments, and to enforce their collection. Or if the amount assessed shall not be sufficient to pay the portion of the costs of such improvements made which was enjoined on the property, or on the owners of property in the local assessment district where the same are made, it shall be lawful and the commission is hereby directed and authorized to cause to be made a re-assessment upon all the property in said local assessment district to pay for such improvements, and to continue requiring such re-assessments until a valid and sufficient assessment shall have been made.

Sec. 43. Collection of Special Assessments. Upon the confirmation of any special assessment roll, the same shall be delivered to the city treasurer with a warrant annexed and signed by the assessor and mayor directing him to collect the same within sixty days, or in case the amount thereof shall have been divided into installments as provided in section 40 hereof, the said warrant shall direct a collection of the various installments within sixty days after they shall fully become due.

Sec. 44. In case the amount of said special assessment rolls, or any portion thereof, shall not be paid within the said sixty days, the said treasurer shall proceed to collect the same in the manner directed by the general laws of the state for the collection of personal

taxes by a township treasurer, or, if the commission so direct, said delinquent special assessments may be returned to the assessor and by him spread, together with a penalty of one per cent, upon the next general tax roll to be prepared by him in a column for special assessments, in which case they shall be collected and enforced with the other taxes in the tax roll and in the same manner.

Sec. 45. The commission shall be authorized in lieu of either of the foregoing methods to collect any delinquent special assessment by suit in assumpsit in the name of the city against the person assessed in any court of competent jurisdiction. In such action a declaration upon the common counts for money paid shall be sufficient, and the special assessment roll and certified copy of order or resolution confirming the same shall be prima facia evidence of the regularity of all the proceedings in making the said assessment and of the right of the city to recover judgment therefor.

Sec. 46. If for any reason in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expenses have been incurred by the city which are a proper charge against the defendant or against the lot and premises in question and that the defendant is the owner thereof, render judgment for the amount properly chargeable against said defendant on account of said lot or premises.

CHAPTER 29.

FINANCE, REPORT OF SAME.

Section 1. **Proviso. Statement, What to Contain.** The commission shall, on or before February first, each year, cause to be published in at least one daily newspaper printed in said city, a just and true account of all the moneys received and expended by it during the fiscal year just closed, and the amount of unpaid liabilities and claims. Said statement published as above provided shall fully specify all appropriations made by the commission, the object and purpose for which the same were made, the amount of money expended under such appropriations, the whole amount of taxes raised, the amount expended on highways, streets, bridges, sidewalks, crosswalks, alleys, water and water works, police, fire department, sewer, electric light and power department, and all such other items of expense, and information as shall be necessary to a full and perfect understanding of the financial affairs of the city.

CHAPTER 30.

BOARD OF REVIEW.

Section 1. **Board of Review.** The supervisors, the assessor and the commissioner in charge of the Department of Accounts and Finance shall constitute the Board of Review, and the commissioner shall be the

chairman thereof. The clerk of the city shall be clerk, and keep a record of all the proceedings. Four members shall constitute a quorum to do business.

Sec. 2. Inspect Roll. It shall be the duty of the Board of Review after the assessor shall have completed the assessment roll, and prior to the days appointed by law for the review of the same, to meet on some day appointed by the assessor and carefully examine, inspect and compare the whole of said roll.

Sec. 3. Review Day. The said Board of Review shall also meet at the City Hall in said city on the third Monday and on the Tuesday, Wednesday, Thursday, Friday and Saturday following in the month of April in each year, for the purpose of reviewing the assessment roll as provided by law. All changes in assessment shall be by motion and by vote, by call of the ayes and nays.

Sec. 4. Publish Notice. The assessor shall cause a notice to the taxpayers of said city to be published in two newspapers published in the city for one week prior to the time of any meeting of the Board of Review, stating the time and place of meeting of the board and the object for which it will meet. A failure to give such notice shall not invalidate the tax.

Sec. 5. Personal Property Assessable. Any personal property in this city at any time between the first day of February and the third Monday in April, in each year, not exempt from taxation and not assessed for taxation elsewhere in the state for the same year, shall be liable to taxation in this city and shall be embraced in the assessment roll for that year.

Sec. 6. Make Changes. Deliver Roll to Treasurer. The assessor shall make such changes, additions and corrections as he is directed to make by the Board of Review, and when the assessment or tax roll is completed, he shall, not later than the first day of July, deliver said roll, with the warrant as herein provided, signed by himself and mayor, to the treasurer.

Sec. 7. Pay. Each member of said Board of Review, except the assessor, shall receive for his services, five dollars each day actually attending said board.

CHAPTER 31.

CITY INDEBTEDNESS AND BONDS.

Section 1. Bond Limit. The commission shall have and are hereby vested with authority, whenever it shall deem it necessary and for the best interest of the city, to borrow money on the credit of the city and issue the city's bonds therefor payable at such rates of interest not exceeding six per cent per annum as they shall determine. Provided, that no bonds except refunding, special assessment and emergency bonds shall be issued unless three-fifths of the electors voting upon the question either at a Charter or special election shall be in favor of such loan; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted

by the city clerk in at least two public places in each voting district at least twenty days prior to such election, and such city clerk shall cause notice to be published in some newspaper printed in said city for the same period, specifying the object or objects for which money is proposed to be borrowed; and provided further, that the bonded indebtedness of the city exclusive of school bonds and bonds issued for public improvements in connection with which a special assessment district is made to pay therefor shall at one time be permitted to exceed the amount now limited under the Charter and special acts that this Charter supersedes, except that the limit of the bonded indebtedness of the city may be raised or lowered upon a three-fifths affirmative vote of the electors voting on the question at a general or special election, and if voted upon at a special election the same must be voted for in the affirmative by a vote equal to not less than fifty per cent of the total vote at the last municipal charter election and in the affirmative by not less than two-thirds of all voting at a special election; on condition, however, that whatever changes shall be made in the limit of the amount of money which may be borrowed by the city, such changes shall not make the bond limit exceed six per cent of the assessed valuation of all real and personal property in the city.

Sec. 2. Sinking Fund. No bonds shall be issued without providing a sinking fund to pay them at maturity; provided, that no sinking fund shall be required in the case of serial bonds which fall due annually.

Sec. 3. Emergency Bonds. In case of fire, flood or other calamity, the commission may borrow for the relief of the inhabitants of said city and for the preservation of municipal property a sum not exceeding one-fourth of one per cent of the assessed valuation of all real and personal property in the city due in not more than three years, even if such loan would cause the indebtedness of the city to exceed the limit fixed in the Charter. For any such loans lawfully made the bonds of the city may be issued bearing a rate of interest not exceeding six per cent.

Sec. 4. Bonds Must State Purpose of Issue. Every bond issued by the city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for public improvement the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such city to sign or issue any such bond without such matters are set forth on the face of the same, as aforesaid, or to use such bonds or proceeds from the sale thereof, for any other object than that mentioned on the face of such bond.

Sec. 5. Net Earnings of Utilities in Sinking Fund. The commission shall annually determine the amount necessary to be set aside from the surplus revenues derived from all the public utilities now owned, controlled and operated by said city, or any public utility that may hereafter be acquired by said city for the payment of the city's bonded indebtedness as the same shall fall due, which bonded indebtedness

shall also include the bonds of School District No. 1 of said city now outstanding or that may hereafter be issued for any purpose whatever. The commission, after making such provision for the payments of bonds, shall use any surplus revenue remaining annually for the reduction of taxation in such manner as it may determine.

Sec. 6. Taxpayers Can Vote. Whenever any question is submitted to a vote of the electors of the city which involves the direct expenditure of public money or the issue of bonds, every person who has property assessed for taxes in any part of the district or territory to be affected by the result of such election, and also who has the qualifications of male electors in said city, and only such persons, shall be entitled to vote thereon.

Sec. 7. Bonds for Public Utilities. Mortgage bonds which do not impose any liability upon the city, may be issued to acquire or operate such public utilities as the city may lawfully own or operate above the limitation herein above mentioned; the same to be without liability on the part of the city, other than as secured on the revenue of such public utility and its property including the franchise. When such bonds shall be issued they shall state the terms upon which, the case of foreclosure, the purchaser may operate the utility foreclosed, which franchise or term shall in no case be extended by said sale for a longer period than twenty years from the date of sale of said franchise.

Sec. 8. Record of Bonds. A record showing the dates, numbers and amount of all bonds issued and when due shall be kept by the city clerk.

CHAPTER 32.

SCHOOLS.

Section 1. Entire City Single School District. The City of Marquette shall constitute a single school district. The Board of Education shall be a body corporate, by the name and style of the Board of Education of the City of Marquette, and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased, acquired or disposed of by this Charter.

Sec. 2. Five Members, Three Years' Term. The Board of Education shall consist of five members, elected from the city at large for a term of three years from and after the first Tuesday of September of the year when elected, and until their successors are qualified and enter upon the duties of their office.

Sec. 3. Present Members to Hold Office. All members of the Board of Education heretofore elected or appointed under the provisions of any previous Charter shall continue to hold office under this Charter until the expiration of the term for which they were elected or appointed, and until their successors are elected and qualified and enter upon the duties of their office.

Sec. 4. Annual Election. There shall be held a regular annual elec-

tion of school trustees in said district on the first Monday of September of each year. Such annual election of school trustees, as above provided, shall be held at such place in said city as the Board of School Trustees shall designate. The polls shall be open at nine o'clock in the forenoon and shall continue open without intermission or adjournment until the hour of eight o'clock in the afternoon, at which time they shall be finally closed. Said election shall be by ballot, and shall, except as herein otherwise directed, be conducted in all respects in the manner provided by law for conducting the election of officers in graded school districts. Notices of the time and place of holding such election shall be given by the secretary of the board, at least ten days before said election, by posting such notices in three of the most public places in each ward of the city, and by publishing a copy thereof in one or more newspapers published in the city, the same length of time before the election.

Sec. 5. Board of Inspectors. The president and secretary of the Board of School Trustees, and one other trustee, to be designated by the board, shall constitute a Board of Inspectors of such election, and if any of said three trustees shall not be present at the time of the opening of the polls or remain in attendance, the electors present may choose viva voce such number of such electors as with the trustee or trustees present shall constitute a board of three inspectors of such election. Each of said inspectors shall take the required oath to faithfully perform the duties of inspector of such election. The president of the board shall be chairman of the Board of Inspectors. In his absence the inspectors shall elect one of their number as such chairman. Every person shall be entitled to vote at such election who is a qualified voter of the city or qualified by the laws of the state to vote at any election for school officers. The Board of Inspectors shall have the same authority and powers in maintaining and enforcing order and obedience to their lawful commands at such elections and during the canvass of the votes as are conferred by the general laws of the state upon school officers in similar cases.

Sec. 6. Poll List. The Board of Inspectors shall make a poll list of the names of persons voting at such election. They shall also have the right of access to the registration books of the several wards of the city, if they deem it necessary, and for that purpose they may require the city clerk to attend said election with such registers.

Sec. 7. Determination of Result. When said polls shall be finally closed, the Board of Inspectors shall immediately proceed publicly to count, determine and declare the number of votes cast and for whom, and shall, on the same or the next succeeding day, make up and sign a statement in writing, showing the whole number of votes cast, and the number of votes cast for each person for whom votes were cast, which statement shall be signed by the inspectors, and together with the minutes and other papers of the election, shall be filed with the secretary of the Board of School Trustees. The person or persons who shall have received the highest number of votes for such office of trustee for the

several terms designated upon the ballot shall be declared elected, and if two or more persons shall have received an equal number of votes where only one trustee is to be elected, said inspectors shall choose one of such persons by lot, as such trustee. The ballots shall, when the vote shall have been declared, be returned to the box, and the box be locked and sealed and deposited with the secretary at the time of the filing of said statement. Every person so declared elected to the office of school trustee, under the provisions of this act, shall, within ten days after such election, qualify by taking and subscribing the required oath of office and filing the same with the secretary of the Board of School Trustees.

Sec. 8. School Board Pay Expenses of Election. The Board of School Trustees shall pay all the expenses of such election from the contingent fund of the district, and shall allow each inspector of election the same compensation as is allowed to inspectors at city elections.

Sec. 9. Annual Budget. It shall be the duty of the trustees of said school district on or before the second Monday of March of each year to certify as otherwise provided by law, to the commission, all sums to be raised by taxation for school purposes in said city during the current year, and the same shall be levied and collected with the other city taxes.

Sec. 10. State Law to Govern. When not otherwise provided in this Charter, the general school law of the state shall govern in regard to all matters pertaining to said school district.

CHAPTER 33.

FRANCHISES.

Section 1. Franchises Revocable Unless Approved by Electors. No franchise which is not subject to revocation by the commission shall be issued or granted unless such proposition shall have first received the affirmative vote of three-fifths of the electors of the city, voting thereon at a regular or special election, and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote. The question of granting any franchises shall be submitted to a vote of the qualified voters thereon of the city upon request of the applicant for such franchise; provided, such applicant shall deposit with the city treasurer upon making such application the expenses of conducting such election, to be determined by estimate of the commission.

Sec. 2. Franchise Must Specify Streets, Etc. Every franchise or privilege hereafter granted shall plainly specify the streets, alleys, avenues, or property to which the same shall apply, and any ambiguity appearing in the language of the franchise, grant or privilege, shall be construed in favor of the city and against the claimant under such grant.

Sec. 3. Franchises Shall Prohibit Stock on Account Thereof. Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof, or based upon the value of the franchise, to an amount in excess of the sum, fixed as the value of such franchise by the

commission, and such valuation by the commission shall consist of the following items only:

(a) The actual expenses incurred by the grantee of such franchise in presenting and procuring the same from the city, including the expenses of any election, if one be held.

(b) Such sum as the commission shall determine shall be reasonably sufficient for any time devoted by the grantee, or services rendered by him, in procuring such franchise.

Any violations of this section shall operate as a forfeiture of such franchise and the same shall become void forthwith.

Sec. 4. Franchise to Specify Commencement and Completion of Work. The ordinance granting the franchise, permit, or privilege shall state when the construction work shall commence, which must not be more than six months from the date of the taking effect of the ordinance granting the same, and shall state when the same shall be in operation to perform the purposes for which the franchise was granted, and failure to commence the work or to put the same in operation as provided in the franchise shall be a forfeiture of all rights under the same without any action on the part of the commission; provided, however, the commission may extend the time, for not to exceed six months, by an affirmative vote of at least four of its members at any time within sixty days previous to or after the time shall expire.

Sec. 5. Enumeration Not Limitation. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant shall never be construed as a limitation upon the powers of the commission, and the commission shall have the right to impose all lawful and reasonable restrictions, regulations and requirements.

Sec. 6. Franchise Not Exclusive. No exclusive franchise shall ever be granted, and no franchise shall be renewed earlier than one year prior to its expiration.

Sec. 7. Commission Shall Have Supervision. The commission shall maintain general supervision over all public utility companies, in so far as they are subject to municipal control, and shall cause to be instituted such actions or proceedings as may be necessary to enforce such control and any and all liabilities against any such utility company.

Sec. 8. Franchise Holder Must Make Report. The commission shall require every person or corporation operating under any franchise or grant from the city to submit to the commission, on or before the first day of March in each and every year, and at such other times as the commission may require, a report, verified by the oath of the president, or treasurer, or general manager of such corporation, showing in detail the following accounts:

(a) The amount of its authorized capital stock and the amount thereof issued and outstanding.

(b) The amount of its authorized bonded indebtedness issued and outstanding.

(c) Such report shall be in the form and shall cover such period as

the commission shall specify and require, and such persons or corporations shall exhibit to the mayor or any authorized officer or representative of the commission all the books and records pertaining to the affairs of such persons or corporations whenever demanded. Failure or refusal to make such report or to produce and exhibit such books shall work a forfeiture of the franchise.

Sec. 9. Commission May Revoke Franchise. The commission may revoke, cancel or annul any franchise that may have been granted by the city which shall have become void or forfeited in whole or in part.

Sec. 10. Franchise May Provide for Purchasing. Every grant or franchise may provide certain dates or periods thereafter upon and at which the city shall have the right to purchase of and from the firm, person or corporation holding and operating under such grant and franchise, all right, title, interests, property and business used, owned, operated or conducted in connection with or under or by virtue of such grant or franchise, and may provide for the taking over of the same by the city upon the payment therefor of its then fair valuation; provided, that the proposition to purchase such franchise at the price fixed or agreed upon shall receive the affirmative vote of three-fifths of the electors qualified to vote thereon of said city voting thereon at a regular or special municipal election.

Sec. 11. Valuation Determined by Arbitration. Whenever the city shall elect to purchase such franchise the valuation shall be determined by arbitration, unless the owners of such property and franchise shall agree with the city upon a consideration for the same, and if determined by arbitration the proceedings shall be as follows:

The commission shall select one arbitrator and the owner of the property or franchise shall select another, and the two thus chosen shall select a third, and the value fixed by the arbitrators, or a majority of them so chosen, shall be binding upon both parties.

Sec. 12. Periodical Adjustment of Rates. Every franchise shall contain a provision naming certain dates or periods when the rates chargeable under such franchise may be modified and fixed by the commission for the next period of such franchise, and no franchise shall be valid unless such a provision is incorporated therein.

Sec. 13. Modification Made in Same Manner as General Grant. No change or modification of any franchise, either in the term for which it is granted, or the rights, privileges and provisions thereof, shall be made, except in the same manner as is or may be provided for the granting of the franchise in the first instance, and except in case of forfeiture.

Sec. 14. May Compel Joint Use of Utilities. The city, by and through its commission, shall have the power to require any corporation holding a street railway franchise from the city to allow the use of its tracks, poles and wires by the city or by any other corporation to which the city shall grant a franchise, upon the payment of a reasonable sum for rental thereof, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the city or its suburbs shall be subject to the condition that the city

shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the city, the right to operate its cars over the tracks of the said street railway, in so far as may be necessary to enter and leave the city, and to reach the section thereof used for business purposes; provided, that the persons or corporation desiring to operate its cars over the line of said street railway shall be unable to agree with the owner thereof as to the reasonable compensation to be paid, and as to the terms and conditions of the use of said tracks and facilities, then the commission shall, by resolution, after a fair hearing of the interested parties, fix the terms and conditions of such use, and the compensation to be paid therefor, which award of the commission when so made, shall be binding on and observed by the parties concerned, and whether inserted in the body of the franchise or not, the provisions of this section shall be deemed to be a part of every franchise granted to any street railway or railroad corporation.

Sec. 15. Street Railways Must Pave Between Tracks. It shall also be provided in each and every franchise for the building and operating of a railroad track in said city, that the grantee or grantees shall pave, clean and keep in repair the bed, pavement and roadway of the street or alley where such track or tracks are located between the rails and tracks and to an extent of not less than 24 inches outside of the rails of said tracks as used and located.

Sec. 16. Franchise Record. The commission shall provide and cause to be kept in the office of the city clerk the following books of records and references:

(1) **A Franchise Record,** indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons or corporation owning or operating any public utility. The index of such record shall give the name of the grantee and thereafter the name of any assignee thereof. Such record shall be a complete history of all franchises granted by the city, and shall include a comprehensive and convenient reference to the action of the commission granting the same.

(2) **Utility Record.** A public record for every person, firm or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, firm or corporation, or which may be controlled or acquired by them or it, and such other matters of information and public interest as the commission may from time to time require. The provisions of this section shall apply to all persons, or corporations operating under any franchise now in force or hereafter granted by the city.

Sec. 17. Commission May Allow Use of Streets. The commission shall have authority to permit any railroad company or street railway company to lay its tracks and operate its road with steam, electric or other power across streets, highways, and public alleys of the city, as

the commission may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by said company, as the said commission may prescribe; and to prohibit the laying of such tracks or operating of any such road except upon such terms and conditions. But such permission shall not effect the right or claims of any persons against the company for damages sustained by reason of the construction or location of any railroad or street railway across such streets, highways or alleys.

Sec. 18. **May Adopt Regulations.** The commission may establish regulations and adopt ordinances relative to any franchise or any party using the same or operating thereunder at any time within the city upon the following matters, viz:

(1) May provide for and change the location and grade of street crossings of any railroad track.

(2) To compel any railroad company or street railway company to raise or lower their railroad track to conform to the street grades, which may be established by the city from time to time. To construct street crossings in such manner and with such protection to persons crossing thereat, as the commission may require.

(3) To require and compel any railroad company and any street railway company to make, clean, keep open and repair ditches, drains along and under or across their railroad tracks.

(4) To erect and keep in repair any viaduct over or tunnel under such street or over and under any such track or tracks, including approaches, as may be by the commission deemed necessary for the convenience, safety and protection of the public.

(5) To pay all cost of grading, paving, repaving, draining and repairing such part of the streets and alleys as is or may be used or occupied by such railroad or railway company. Such cost shall be a lien upon the property and franchise of the company, and shall be assessed and taxed against the same like other taxes. The portion of the street or alley used or occupied by said railway companies shall be deemed to be the space between their tracks and twenty-four inches on the outside of their rails and all the space between two or more tracks, turnouts or switches.

If any such railroad company or street railway company shall neglect to perform any such requirements according to the direction of the commission, the commission may cause the work to be done at the expense of such company, and the amount of such expense shall be collected at the suit of the city against the company in a civil action before any court, or the commission may revoke the franchise of said company for failure to perform any such requirements.

Sec. 19. Neither the mayor nor any other member of the board of commissioners, nor any elective or appointive employe of the city, shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the City of Marquette, or shall receive directly or indirectly, any wage, commission, fee, gift, favor or payment from any such franchise holder, and a vio-

lation of this section shall ipso facto render vacant the position held by the person so violating it, and shall be punished as bribery.

CHAPTER 34.

OTHER PUBLIC UTILITIES.

Section 1. Powers of Commission Relative to Electric Light Plant and Gas Works. If the commission at any time shall decide to purchase or construct a gas plant or works or other public utility, it shall have power to purchase, take, and hold in the name of the City of Marquette all such real estate situated either within or without said city as shall be necessary for such works or plant, and afford necessary room for the construction thereof and the appurtenances, and all structures, erections and appliances necessary in connection therewith, and to construct thereon gas plant and works or both of said works or plants or other public utilities.

Sec. 2. How Approved. That no such gas plant or works or other public utility shall be constructed or purchased or money be appropriated therefor until such proposition shall have been approved by a majority of three-fifths of all the qualified taxpayers of said city voting upon said question either at any charter election or at a special election called by the commission for that purpose, at such time and in such manner as said commission shall specify.

Sec. 3. Commission May Operate Plant, Fix and Collect Rates. And in case said commission shall either construct or purchase any such gas plant or other public utilities, or shall have authority to operate the same for public and commercial purposes, and shall have power to fix rates for and authority to collect the same in action in assumpsit, in the name of the city, in any court of competent jurisdiction; and all moneys received therefrom shall be paid into and credited to the general fund of the city, and the commission shall also have power to make rates and regulations by ordinances or otherwise, as may be necessary to give effect to this chapter.

CHAPTER 35.

CONDUITS AND POLES.

Section 1. Power of Commission Relative to Conduits and Poles. If at any time hereafter the commission deem it best to adopt a general plan of conduits in and under the streets, lanes, alleys and public places of said city, or of conduits in a part of the streets, lanes, alleys and public places of said city, and poles for the remainder thereof for the purposes of containing and carrying wires and appurtenances used by any telegraph, telephone, electric light, street railway company or any other person, company or corporation using wires, or cables for the conveyance of electricity through the streets, lanes, alleys, or public places of said city for any purpose, they shall cause to be made and file a definite plan of the same and of the estimated cost thereof, and

shall submit the question of whether said plan shall be accepted and adopted or not to the determination of the qualified taxpayers of said city, and whether bonds should be issued, and the amount of money, either at an annual city election or at a special election called therefor.

Sec. 2. May Collect Rental for the Use of Conduits or Poles. The commission shall have power and authority and shall collect a rental for the use of said conduits or said poles when owned by the city and make rules and regulations as to the use.

Sec. 3. Corporation to Build Conduits. If the commission shall not deem it policy to build conduits as above provided, or erect poles, it may by ordinance passed in the affirmative by not less than four of its members compel any telegraph, or telephone or electric light company, for the protection and safety of the general public, to place their wires in conduits, or underground in such street or streets or part of street as may be from time to time designated by the commission, the expense of building and constructing the same to be borne by the company and the work to be done under the supervision of the Department of Public Works.

CHAPTER 36.

ELECTROLYSIS.

Section 1. Care Exercised Against Electrolysis. It shall be the duty of all persons, companies, and corporations, owning, using or operating any telegraph, telephone, electric light or street railroad system, or any other business or occupation, using electricity, to so construct, manage and maintain their plant, works and all the connections therewith, as not to injure any water pipe or any other structure or property of the City of Marquette, or any other person, company or individual by means of such electricity causing electrolysis.

Sec. 2. Rights of People in Regard to Damages. Said City of Marquette, or any person, company or corporation whose property has been injured by any such electrical current, or electrolysis, shall have a right of action against the person, company or corporation so causing or permitting such injury for all damages, costs and expenses caused thereby.

CHAPTER 37.

CONDEMNATION OF PROPERTY.

Section 1. The city shall have the power to take private property for public use and benefit for the following purposes:

(1) To open highways, streets and alleys for public use, and to extend, widen and straighten the same.

(2) To obtain sites for public buildings, structures and parks for said city.

(3) To open private roads and alleys.

(4) To lay out and open public squares, spaces, market grounds and parks.

(5) To locate, place and maintain public sewers, water pipes, gas pipes and electric light and power poles and wires.

(6) To fix, locate and maintain a dock line, retaining walls and wharves, and levees along any stream, lake, bay or other waters within the city.

(7) For any other public use or purpose within the scope of its powers.

The proceedings for the taking of private property for any of the purposes aforesaid shall be governed by the general laws of the state relating to taking of private property for public use.

CHAPTER 38.

PLATS AND RECORDING.

Section 1. **Private Plats to be Approved by Commission Before Recording.** No private plat of land situated in the City of Marquette shall be recorded by the register of deeds of Marquette County or be of any validity until approved by the commission, and such approval indorsed thereon by the certificate of the clerk of said city, and a copy of the plat on paper of the size prescribed by the clerk, and an abstract of title, from some reliable abstract office in the County of Marquette, shall be deposited at the office of the clerk of the city. No approval shall be granted by the commission of any plat unless the streets thereof correspond in width and direction or are so arranged as to be continuous and properly connected with the streets of the adjacent parts of the city, and the streets made safe to travel upon, and before action is taken by the commission the same shall be referred to the Department of Public Works, who shall report in writing to the commission whether the above has been complied with.

CHAPTER 39.

LAPSE OF TIME NO BAR TO THE CITY.

Section 1. **Street.** No title shall be acquired, or gained against the city, to any street, lane, alley, park, common, public square, water course or other public property in said city or belonging thereto by means of lapse of time, encroachment, enclosure, or adverse use or possession of the same.

Sec. 2. No right shall be acquired to any street, lane, alley, park, common, public square, water course or other public property in said city, or any part thereof, by reason that the same has been assessed as private property and taxes paid thereon.

CHAPTER 40.

FINES AND FEES.

Section 1. **Fines to Be Paid Into Treasury. Neglect to Pay a Misdemeanor. Penalty.** All fines for a violation of any by-law and ordi-

nance of said city and fees received by city officials, except as herein-after otherwise provided, shall be paid into the treasury of said city by the officer or person receiving the same, and any person who shall neglect or refuse to pay the same after the time prescribed in this Charter, or in a reasonable time after demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail, or both such fine and imprisonment, in the discretion of the court. All fines recovered for any violation of any law of this state and for a violation of any by-law or ordinance of said city, which the law requires to be paid to the county treasurer, shall be paid to the treasurer of the County of Marquette, and all expenses and costs of apprehending, examining, trying and committing offenders against any of the laws of the state, or against any such by-law or ordinance of said city, where the fines recovered are by law required to be paid to the county treasurer, shall be audited, allowed, and paid by the board of supervisors of the said County of Marquette to the City of Marquette, the same as if such expense and costs had been incurred in any township of said county.

CHAPTER 41.

MISCELLANEOUS PROVISIONS.

Section 1. Old Boards Continue Until Commission Engaged. After the adoption of this Charter, and until the members composing the commission shall be elected and qualified and organized as a commission, the common council of the city, and all the present boards and commissions of the City of Marquette and the officers and employes under them shall continue to exercise and perform the several duties and have the same powers and duties as are given to each of them under the Charter that this Charter supersedes.

Sec. 2. Old Boards Abolished. Subordinate Officers Continued. After the organization of the commission as herein provided, the present common council, consisting of mayor and aldermen, the police commission, the park, cemetery and street commission, the board of fire and water commissioners, the light and power commission and the Peter White public library, are hereby each abolished, and all of the powers, rights and duties vested in them are transferred and continued in the commission. The control and direction of all subordinate officers under them, or either of them, are hereby transferred to the commission and shall continue until changed by the commission.

Sec. 3. Acts Repealed. Saving Clause. All acts and parts of acts heretofore passed inconsistent with the provisions of this Charter, are hereby repealed. Nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired by the Charter hereby repealed unless specifically mentioned, and all proceedings commenced under such former Charter shall be carried out and completed and all prosecutions for any offense committed or penalty or

forfeiture shall be enforced in the same manner in all respects and with the same effect as if this Charter had not been adopted. Nothing in this section contained shall be so construed as to annul or impair or affect any ordinance, by-law, resolution or proceeding of said city not inconsistent with the provisions of this Charter, and the same shall continue and be in full force until the same shall be amended or repealed as fully as though this Charter had not been adopted.

Sec. 4. Rights, Demands, etc., to Belong to City. All personal property and real estate, franchises, rights, credits, and effects whatsoever, and all and every right or interest therein belonging to the City of Marquette under and by virtue of any former Charter, shall fully and absolutely belong to the corporation hereby created, and all demands due and to grow due to the same shall be continued by this Charter, saving, nevertheless, to all and every person his or their just rights therein, and all and singular the estates and rights as aforesaid shall be fully vested in the corporation hereby created and continued, and every person who is or shall be possessed thereof, shall deliver the same to the City of Marquette, with all moneys, deeds, evidences of debt, property, books, papers or records touching or concerning the same when legally required so to do. Said city may bring suit in its corporate name for the recovery of same; and the corporation hereby created and continued shall be liable for and pay all debts due from, or claims, or demands against the City of Marquette, heretofore existing, and all contracts or agreements heretofore made or entered into by the corporate authorities of the City of Marquette shall be and the same are hereby made binding and obligatory upon the corporation hereby created and continued.

Sec. 5. The Charter Public Act. This Charter, when approved by the governor and the electors of the City of Marquette as provided by Act No. 279 of the session laws of 1909 as amended, shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever, and can be altered and changed as provided by the statutes of the State of Michigan.

Sec. 6. City offices shall be kept open during such hours as may be designated from time to time by the commission.

Sec. 7. Books to Be Closed at Change of Charter. Upon the adoption of this Charter, all the public records and books of account belonging to the city shall be audited, closed and balanced up to such date, and a new record and entry relating to such matters shall be commenced and made as of the day when this Charter becomes operative.

Sec. 8. Date of Taking Effect. If adopted, this Charter shall take effect on the 29th day of December, 1913.

Sec. 9. First Election. The first election for mayor and commissioners held hereunder shall be held on the fourth Monday in January, 1914, and the term of the mayor and commissioners so elected shall terminate as follows: Mayor, January 2nd, 1919; the commissioner receiving the highest number of votes, January 2nd, 1918; the commissioner receiving the second highest number of votes, January 2nd,

1917; the commissioner receiving the third highest number of votes, January 2nd, 1916; the commissioner receiving the fourth highest number of votes, January 2nd, 1915; and the mayor and commissioners so elected shall take office on the first Monday in February following said election, and shall meet as soon as may be thereafter and organize as in this Charter provided.

CHAPTER 42.

SUBMISSION.

Section 1. **Submission.** This Charter shall be submitted to the electors of the City of Marquette, for approval or rejection, at the Charter election held on the twenty-ninth day of November, 1913.

Sec. 2. **Notice of Election.** The recorder of the city shall give notice of said submission in the same manner and for the same time that notice is now given for Charter elections. He shall provide ballot boxes at each of the several voting precincts, and the board of inspectors shall keep a list of the electors voting.

Sec. 3. It shall be the duty of the mayor, city council and the city clerk and other officers in office when this Charter is adopted, to comply with all the requirements of this Charter relating to nominations and elections, to the end that all things may be done necessary to the nomination and election of the first officers to be elected under this Charter according to the provisions hereof.

Sec. 4. **Ballots.** The recorder shall prepare the ballots and supply each precinct with a sufficient number of ballots.

The ballots shall read:

For the revised Charter	Yes []
For the revised Charter	No []

and the elector shall mark his vote with a cross in the square opposite the word expressing his choice.

Sec. 5. The inspectors of the election in the several precincts shall make their returns, and the common council of the city shall canvass and declare the result of said election in the manner and time provided by the Charter of the City of Marquette now in force for return and canvass of votes at charter elections.

Sec. 6. If the majority of the votes cast on the question shall show in the affirmative, the common council of the City of Marquette shall declare that the same has been adopted, and shall immediately thereafter call the primary and municipal Charter elections hereinbefore provided for.

Meeting of the Board of Charter Commissioners of the City of Marquette duly called and held at the City Hall, in said city, on the 27th day of August, A. D. 1913.

By Commissioner J. H. Godwin:

Resolved, That the Board of Charter Commissioners of the City of Marquette does hereby adopt the foregoing proposed Charter as presented at this meeting of the Board of Charter Commissioners, and that the same be presented to the governor of the state for his approval in accordance with the statutes of the State of Michigan.

Further Resolved, by the commission, that November 29th, A. D. 1913, be and the same is hereby fixed as the time for the submission of said proposed Charter to the electors of the City of Marquette, in case the same shall be approved by the governor of the State of Michigan.

Further Resolved, That preliminary to the submission of the said proposed Charter to the electors of the City of Marquette, the same be published in both of the daily newspapers of the City of Marquette at least sixty days before the said 29th day of November, A. D. 1913, and that twelve hundred copies be published in pamphlet form to be distributed from the office of the recorder of said city.

Approved:

JOSEPH C. GANNON, Chairman.

CHARLES E. BROWN.

HARLOW A. CLARK.

J. H. GODWIN.

J. E. LAUTNER.

GEO. A. MCKEREGHAN.

WILLIAM A. ROSS.

W. J. SMAIL.

Approved: WOODBRIDGE N. FERRIS,
Governor.

I, Daniel S. Donovan, recorder of the City of Marquette, Michigan, hereby certify that on the 24th day of May, 1913, eight commissioners, viz: Joseph C. Gannon, Charles E. Brown, Harlow A. Clark, J. H. Godwin, J. E. Lautner, George A. McKereghan, William A. Ross and W. J. Smail, were duly elected commissioners to prepare and propose a revision of the Charter of the City of Marquette; that on the 3rd day of June, 1913, all of said commissioners duly qualified and elected Joseph C. Gannon chairman, and proceeded to prepare a revision of the Charter of said city, all in accordance with Act 279 of the Public Acts of 1909.

I further certify, that at a meeting of the said commissioners duly called and held on the 27th day of August, A. D. 1913, the foregoing resolutions were unanimously adopted by the said commissioners, and that said resolutions and the foregoing proposed Charter were filed by

the said commissioners in my office on the 28th day of August, A. D. 1913.

Witness, my hand and the official seal of the City of Marquette this 28th day of August, A. D. 1913.

DANIEL S. DONOVAN,

Recorder of the City of Marquette.



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